

CR-15-00285 -LHK ~~SEALED BY ORDER
OF THE COURT~~

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

DANIEL CHAVEZ, a/k/a "Youngster," VICTOR SKATES, a/k/a "Demon," EDUARDO LEBRON, a/k/a "Warlord," EDER TORRES, a/k/a "Flaco," JULIAN RUIZ, a/k/a "JJ," ANTONIO CRUZ, TERRELL GOLDEN, a/k/a "G," ANTHONY LEK, and ROBERT LOERA, a/k/a "Buddha."

SUPERSEDING INDICTMENT

COUNTS: SEE ATTACHED SHEET

A true bill.

R. Adler

Deputy

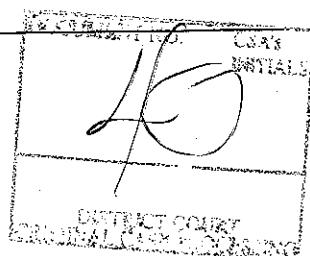
Foreperson

Filed in open court this 28th day of October
A.D. 2015

Dale S. general

United States Magistrate Judge

Bail. \$ no bail or no arrest warrants as to each defendant



COUNTS

- COUNT 1: (18 U.S.C. § 1962(d) — Racketeering Conspiracy)
- COUNT 2: (18 U.S.C. § 1959(a)(5) — Conspiracy to Commit Murder in Aid of Racketeering)
- COUNT 3: (18 U.S.C. § 1959(a)(6) — Conspiracy to Commit Assault with a Dangerous Weapon in Aid of Racketeering)
- COUNT 4: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use of Firearm in Furtherance of Crime of Violence)
- COUNT 5: (18 U.S.C. § 1951(a) — Conspiracy to Commit Robbery Affecting Interstate Commerce)
- COUNT 6: (18 U.S.C. §§ 2113(a) and (d), and 371 — Conspiracy to Rob Banks and Credit Unions)
- COUNT 7: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use of Firearm in Furtherance of Crime of Violence)
- COUNT 8: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-1)
- COUNT 9: (18 U.S.C. §§ 924(j)(1) and 2 — Use of Firearm in Furtherance of Crime of Violence Resulting in Murder)
- COUNT 10: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 11: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-2)
- COUNT 12: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-3)
- COUNT 13: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)
- COUNT 14: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 15: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-4)
- COUNT 16: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)

- COUNT 17: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 18: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-5)
- COUNT 19: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)
- COUNT 20: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 21: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-6)
- COUNT 22: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)
- COUNT 23: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 24: (18 U.S.C. § 1951(a) –Robbery Affecting Interstate Commerce)
- COUNT 25: (18 U.S.C. § 924(c)(1)(A) and 2 -- Use/Possession of Firearm in Furtherance of a Crime of Violence)
- COUNT 26: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-7)
- COUNT 27: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)
- COUNT 28: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 29: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-8)
- COUNT 30: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)
- COUNT 31: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 32: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-9)

- COUNT 33: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)
- COUNT 34: (18 U.S.C. § 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 35: (18 U.S.C. §§ 1959(a)(5) and 2 — Attempted Murder in Aid of Racketeering of Victim-10)
- COUNT 36: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of Racketeering of Victim-10)
- COUNT 37: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 38: (18 U.S.C. §§ 1959(a)(5) and 2 — Attempted Murder in Aid of Racketeering of Victim-11)
- COUNT 39: (18 U.S.C. §§ 1959(a)(5) and 2 — Attempted Murder in Aid of Racketeering of Victim-12)
- COUNT 40: (18 U.S.C. §§ 1959(a)(5) and 2 — Attempted Murder in Aid of Racketeering of Victim-13)
- COUNT 41: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of Racketeering of Victim-11)
- COUNT 42: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of Racketeering of Victim-12)
- COUNT 43: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of Racketeering of Victim-13)
- COUNT 44: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 45: (18 U.S.C. §§ 1959(a)(5) and 3 — Accessory After the Fact)
- COUNT 46: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-14)

- COUNT 47: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)
- COUNT 48: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 49: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-15)
- COUNT 50: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)
- COUNT 51: (18 U.S.C. §§ 1959(a)(5) and 2 — Attempted Murder in Aid of Racketeering of Victim-16)
- COUNT 52: (18 U.S.C. §§ 1959(a)(5) and 2 — Attempted Murder in Aid of Racketeering of Victim-17)
- COUNT 53: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of Racketeering of Victim-16)
- COUNT 54: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of Racketeering of Victim-17)
- COUNT 55: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 56: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-18)
- COUNT 57: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)
- COUNT 58: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 59: (18 U.S.C. §§ 2113(a) and (d), and 2 – Armed Bank Robbery)
- COUNT 60: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)
- COUNT 61: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 62: (18 U.S.C. §§ 2113(a) and (d), and 2 – Armed Bank Robbery)

- COUNT 63: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)
- COUNT 64: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 65: (18 U.S.C. §§ 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering of Victim-19)
- COUNT 66: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of Racketeering of Victim-19)
- COUNT 67: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 68: (18 U.S.C. §§ 2113(a) and (d), and 2 – Armed Bank Robbery)
- COUNT 69: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)
- COUNT 70: (18 U.S.C. §§ 924(c)(1)(A) and 2— Use/Possession of Firearm in Furtherance of Crime of Violence)
- COUNT 71: (18 U.S.C. §§ 2113(a) and (d), and 2 – Armed Bank Robbery)
- COUNT 72: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)
- COUNT 73: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)

SEALED BY ORDER
OF THE COURT

1 BRIAN J. STRETCH (CABN 163973)
2 Acting United States Attorney

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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11

12 UNITED STATES OF AMERICA,

13 v.

14 DANIEL CHAVEZ, a/k/a "Youngster,"

15 VICTOR SKATES, a/k/a "Demon,"

16 EDUARDO LEBRON, a/k/a "Warlord,"

17 EDER TORRES, a/k/a "Flaco,"

18 JULIAN RUIZ, a/k/a "JJ,"

19 ANTONIO CRUZ,

20 TERRELL GOLDEN, a/k/a "G,"

21 ANTHONY LEK, and

22 ROBERT LOERA, a/k/a "Buddha."

Defendants.

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) CASE NO. 15-CR-00285 (S-1) (LHK)

) VIOLATIONS: 18 U.S.C. § 1962(d) – Racketeering

) Conspiracy; 18 U.S.C. § 1959 – Violent Crimes in Aid

) of Racketeering; 18 U.S.C. § 924(j) – Use of Firearm

) Causing Murder; 18 U.S.C. § 2113(a) and (d) –

) Armed Bank Robbery; 18 U.S.C. § 371 – Conspiracy

) to Commit Armed Bank Robbery; 18 U.S.C. §

) 1951(a) – Robbery Affecting Interstate Commerce

) and Conspiracy; 18 U.S.C. § 924(c) –

) Use/Possession of Firearm in Furtherance of Crime of

) Violence; 18 U.S.C. § 3 – Accessory After the Fact;

) 18 U.S.C. § 2 – Aiding and Abetting; 18 U.S.C. §§

) 924, 981(a)(1)(C), 1963 and 28 U.S.C. § 2461(c) –

) Criminal Forfeiture

) SAN JOSE VENUE

) UNDER SEAL

SUPERSEDING INDICTMENT

The Grand Jury charges, with all dates being approximate and all date ranges both approximate and inclusive, that at all times relevant to this Superseding Indictment:

Introductory Allegations

1. *Nuestra Familia* — Spanish for "Our Family" and also known by the letters "NF" — was a prison gang that was formed in the late 1960s in the California State prison system. The rise of

1 *Nuestra Familia* was linked to the emergence in the late 1950s of another prison gang called the
 2 Mexican Mafia, also known as “*La Eme*. ” Hispanic inmates in the California State prison system joined
 3 together to form what became the Mexican Mafia for protection against other prison gangs as well as to
 4 engage in illegal activities for profit. The Mexican Mafia soon became dominated by Mexican and
 5 Mexican-American inmates from Southern California, and Hispanic inmates from Northern California
 6 perceived that they were marginalized under the dominion of the Mexican Mafia. As a result, Hispanic
 7 inmates with roots in Northern California banded together and formed what became *Nuestra Familia* in
 8 order to protect themselves and advance their own interests.

9 2. By the 1970s, *Nuestra Familia* rivaled the power of the Mexican Mafia and other prison
 10 gangs in California, and the competition between members and associates of *Nuestra Familia* and the
 11 Mexican Mafia resulted in violent and often fatal encounters. Similarly, outside of prison, the members
 12 and associates of *Nuestra Familia* and the Mexican Mafia competed with each other to control such
 13 profitable criminal activities as narcotics trafficking, extortion, and robbery. This competition between
 14 the two rivals led to murder, attempted murder, and other acts of violence.

15 3. *Nuestra Familia* was composed of relatively few full members, known as “*carnales*, ”
 16 who controlled the gang. A *carnal* must value *Nuestra Familia* above all else, including family, friends,
 17 and other loyalties. According to *Nuestra Familia*’s rules, once one becomes a *carnal*, under most
 18 circumstances, death is the only way to withdraw from the gang. Despite being imprisoned and being
 19 closely scrutinized by prison officials, *Nuestra Familia carnales* still managed to convey their orders to
 20 NF members and associates throughout the prison system and outside of prison through a variety of
 21 means, including secret notes, called “*kites*” or “*filters*, ” coded letters, and messages conveyed by
 22 complicit visitors. *Nuestra Familia* had a written constitution drafted by its highest ranking *carnales*
 23 that set forth its purpose and ideology, its rules, its symbols, its rituals, and its organizational structure.

24 4. *Nuestra Familia carnales* controlled and directed the activities of other criminals,
 25 including members of various *Norteño* street gangs outside of prison. *Nuestra Familia* was able to
 26 assert control and influence over *Norteño* gang members outside the prison system because: (1) the
 27 *Norteño* gang members did not want their incarcerated members to be assaulted, and (2) the *Norteño*
 28 gang members wanted the protection provided by *Nuestra Familia* if they ever became incarcerated.

1 *Norteños* were gang members who were generally from Northern California, who pledged their
 2 allegiance and loyalty to *Nuestra Familia*, and who were instructed on the rules, rituals, and obligations
 3 of *Nuestra Familia*.¹ *Norteños* referred to each other as “*hermanos*” or “*bros*,” and new *carnales* were
 4 pulled from the ranks of *Norteños* who proved their loyalty to *Nuestra Familia* by committing crimes for
 5 the gang’s benefit.

6 5. Outside of prison, *Nuestra Familia* was organized in a particular geographic territory into
 7 “regiments,” or crews of members and associates who committed crimes for the gang’s benefit. A
 8 regiment was usually led by a regimental commander who was usually a carnal or a high-level *Norteño*.
 9 Some *carnales* commanded more than one NF regiment. The rank and file of an NF regiment were
 10 called “soldiers” and were usually *Norteños* and “Northerners” (street gang members who claimed
 11 general affiliation with NF, but who had not yet become *Norteños*). Among other things, the regimental
 12 commander was responsible for overseeing the criminal activities of his regiment, collecting his
 13 regiment’s criminal proceeds, and — after keeping his appropriate share — transferring a portion of the
 14 criminal proceeds to his superiors in *Nuestra Familia*’s hierarchy via third-party accounts and other
 15 means. The city of Salinas and the surrounding unincorporated area were controlled by one regiment.

16 6. *Norteños* were organized into smaller cliques or “hoods” based on the local
 17 neighborhoods where their members resided or were actively engaged in gang activity. Each *Norteño*
 18 clique had a name and its members and associates met and worked together to carry out their illegal
 19 activities for their own individual benefit, the benefit of the particular *Norteño* clique, the benefit of
 20 *Norteños* generally, and the benefit of *Nuestra Familia*.² These *Norteño* cliques fought with rival
 21 *Sureño* street gangs, and to a lesser extent other *Norteño* cliques, for control of territory in which to
 22 conduct narcotics trafficking and other crimes, as well as to recruit and influence non-gang members. In
 23 addition to fighting for control over remunerative illegal activities and using violence and terror for the

24
 25 ¹ The Mexican Mafia exerted similar influence and control over *Sureño* street gangs. *Norteños*
 26 dominated street gang activity in Northern California, whereas *Sureños* dominated street gang activity in
 27 Southern California, but also developed a significant presence in Northern California.
 28

2 ² Northerners also associated with particular cliques and sought to earn promotion to the status of
 a *Norteño* by proving themselves through the commission of criminal activity benefitting the gang
 and/or by spending time in jail or prison. This process was often referred to as “coming up.” Thus,
 Northerners typically engaged in the same types of crimes as *Norteños*, including crimes of violence
 such as murder, assault, and robbery.

1 purpose of enriching themselves, *Norteño* cliques engaged in violence simply to assert their gang
 2 identities, to claim or protect their territory, to challenge or respond to a challenge, to retaliate against a
 3 rival gang or member, to gain notoriety and show their superiority over others and to send a message to
 4 others that they are strong, powerful, and not to be provoked.

5 7. *Norteño* cliques acquired and needed to maintain a reputation for being strong and
 6 powerful. They also needed to increase their membership to survive and continue functioning as an
 7 organization on the streets. When a *Norteño* clique had a reputation for being weak, other gangs
 8 challenged and assaulted its members, and attempted to take over its territory. *Norteño* cliques that had
 9 a large membership and a reputation for being strong, powerful, and dominant faced fewer challenges
 10 from rival gangs, and victims/witnesses were even more reluctant to assist law enforcement authorities
 11 with any efforts to prosecute such gangs. This allowed the clique, and *Norteños* in general, to grow in
 12 strength, thrive in their criminal activity, and rule their territory. Sometimes *Norteño* gang members
 13 from different cliques combined to engage in illegal activities, including narcotics trafficking and
 14 robberies, or to seek protection against rival *Sureño* gangs. *Norteño* gang members often socialized with
 15 *Norteño* gang members from other neighborhoods, not just with other *Norteños* in their own particular
 16 clique.

17 8. Within the ranks of *Norteños*, gang members earned promotion and prestige by proving
 18 themselves through the commission of criminal activities benefitting the gang and/or by spending time
 19 in jail or prison. *Norteños* committed crimes such as robbery, extortion, and narcotics trafficking to
 20 enrich themselves and *Nuestra Familia*. *Norteños* often paid a portion of their illicit proceeds as a “tax”
 21 or “contribution” to *Nuestra Familia carnales*. *Norteños* also engaged in acts of violence, including
 22 murder and attempted murder, against their rivals, most notably *Sureños*. Such violence was the
 23 quickest way to earn prestige for the individual gang member, his clique, *Norteños* in general, and
 24 *Nuestra Familia*. A member or associate of a *Norteño* clique was expected to “hunt” — that is, seek out
 25 and beat, stab, and shoot — *Sureños*. Similarly, a member or associate of a *Norteño* gang was expected
 26 to confront and attack any suspected *Sureño* he encountered. Because of this on-going war, many
 27 innocent individuals have been hurt or killed as a result of mistaken identity or for being in the wrong
 28 place at the wrong time.

1 9. *Norteños* identified themselves with the color red, the number “14” and/or the Roman
2 numeral “XIV.” The number “14” corresponds with the letter “N,” which is the fourteenth letter of the
3 alphabet; the letter “N,” in turn, was a symbol of *Nuestra Familia*. As with the number “14” and the
4 Spanish word “*Norteño*,” “Norte” was commonly, but not exclusively, displayed by *Norteño* criminal
5 street gang members in tattoos, graffiti, drawings, hand signs, and on clothing, as a way of displaying
6 their affiliation, loyalty, and commitment to the gang.

7 10. *Sureños* identified themselves with the color blue, the number “13” and/or the Roman
8 numeral “XIII,” “X3” and “trece,” which is Spanish for thirteen. The number “13” corresponds with the
9 letter “M,” which is the thirteenth letter of the alphabet; the letter “M,” in turn, was a symbol of the
10 Mexican Mafia. As with the number “13” and the Spanish word “*Sureño*,” “*Sur*” was commonly, but
11 not exclusively, displayed by *Sureño* criminal street gang members in tattoos, graffiti, drawings, hand
12 signs, and on clothing, as a way of displaying their affiliation, loyalty, and commitment to the gang.

The Salinas Norteños Enterprise

14 11. East Las Casitas (“ELC”) was a *Norteño* street gang based in Salinas, California. It was
15 often referred to by the initials “ELC.” ELC has existed as a *Norteño* street gang in Salinas for over ten
16 years. ELC was considered a subset, “clique,” or “hood” within the umbrella of *Norteño* street gangs.
17 ELC was one of the smaller *Norteño* cliques in Salinas, but also one of the most prestigious because it
18 had a reputation for being one of the most active cliques in committing violence against its enemies,
19 principally *Sureño* gangs. As a result, some ELC gang members obtained high-ranking positions within
20 the *Nuestra Familia* prison gang. ELC also began conducting take-over style robberies of banks,
21 jewelry stores, and other commercial establishments, which proved to be very lucrative. These
22 robberies attracted *Norteño* gang members from other cliques who sought to associate with ELC and
23 attempt to become involved in such criminal activity with ELC members. ELC remained a small, close-
24 knit group, but allowed a few non-ELC members (all of whom were *Norteño* gang members from other
25 cliques in Salinas) to become involved in some of their robberies and attacks on rival *Sureño* gang
26 members.

27 12. Salinas East Market (“SEM”) was another *Norteño* street gang based in Salinas,
28 California. It is often referred to as “Market” or by its initials “SEM.” SEM has existed as a *Norteño*

1 street gang in Salinas for over ten years. SEM was considered a subset, "clique," or "hood" within the
 2 umbrella of *Norteño* street gangs. The SEM clique was one of the largest *Norteño* cliques in Salinas.
 3 Some SEM gang members have obtained high-ranking positions within the *Nuestra Familia* prison
 4 gang. At least one SEM gang member associated with the ELC clique and regularly conducted
 5 robberies and attacks on rival *Sureño* gang members with the ELC clique.

6 13. Santa Rita ("Santa Rita") was another *Norteño* street gang based in Salinas, California. It
 7 is often referred to as "Santa Rita." Santa Rita has existed as a *Norteño* street gang in Salinas for over
 8 ten years. Santa Rita was considered a subset, "clique," or "hood" within the umbrella of *Norteño* street
 9 gangs. At least one Santa Rita gang member associated with the ELC clique and regularly conducted
 10 robberies and attacks on rival *Sureño* gang members with the ELC clique.

11 14. The ELC clique allowed select gang members from other *Norteño* cliques, including
 12 SEM and Santa Rita, to join forces with them and essentially operate as a single, unified association-in-
 13 fact enterprise (the "Salinas *Norteños* Enterprise" or the "Enterprise"), to conduct violent attacks on
 14 *Sureños*, or individuals perceived to be *Sureños*, and to conduct take-over style robberies of banks and
 15 other commercial establishments.

The Racketeering Enterprise

16 15. For all time periods relevant to this Superseding Indictment, the Salinas *Norteños*
 17 Enterprise was composed of ELC, SEM, and Santa Rita gang members and associates, as well as
 18 members of other *Norteño* gangs in Salinas, California, who coordinated and engaged in criminal
 19 activity together. The Salinas *Norteños* Enterprise, including its leadership, members, and associates, in
 20 the Northern District of California, the State of California, and elsewhere, constituted an "enterprise" as
 21 defined in Title 18, United States Code, Sections 1961(4) and 1959(b)(2), that is, a group of individuals
 22 associated in fact, and that was engaged in and its activities affected interstate and foreign commerce.
 23 The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a
 24 common purpose of achieving the objectives of the Enterprise.

Purposes of the Enterprise

25 16. The purposes of the Salinas *Norteños* Enterprise included the following:
 26 a. Preserving and protecting the power, territory, reputation, and profits of the

1 Enterprise through the use of intimidation, violence, threats of violence, assault, robbery, and murder;

2 b. Promoting and enhancing the Enterprise and the activities of its members and
3 associates, including, but not limited to, murder, attempted murder, robbery, and other criminal
4 activities;

5 c. Keeping victims, potential victims, and community members in fear of the
6 Enterprise and its members and associates through violence and threats of violence;

7 d. Providing financial support and information to *Nuestra Familia* members and
8 associates; and

9 e. Protecting the Enterprise's members and associates who committed crimes by
10 hindering, obstructing, and preventing law enforcement officers from identifying the offenders,
11 apprehending the offenders, and successfully prosecuting and punishing the offenders.

The Defendants

13 17. Defendant DANIEL CHAVEZ, a/k/a "Youngster," has been a member of the *Norteño*
14 street gang ELC for over ten years. Since at least 2009, CHAVEZ was the squad leader of the
15 Enterprise and directed or participated in at least a dozen shootings of suspected enemies (typically,
16 suspected *Sureños*), and committed at least a half dozen armed robberies of banks and commercial
17 establishments for the benefit of the Enterprise. CHAVEZ obtained the following *Norteño*-related
18 tattoos: four dots on his left elbow.

18. Defendant VICTOR SKATES, a/k/a "Demon," has been a member of the *Norteño* street
gang ELC since at least 2005. Since at least 2009, SKATES operated as a squad member of the
Enterprise and participated in at least ten shootings of suspected enemies (typically, suspected *Sureños*),
and committed at least a dozen armed robberies of banks and commercial establishments for the benefit
of the Enterprise. SKATES obtained the following *Norteño*-related tattoos: "ELC" on his face, a red
"C" on his neck, a red star on his face, the word "Norte" and the number "14" on his left hand, four dots
on his face, and the letter "N" on his face.

26 19. Defendant EDUARDO LEBRON, a/k/a "Warlord," has been a member of the *Norteño*
27 street gang ELC for over ten years. Since at least 2009, LEBRON operated as a squad member of the
28 Enterprise and participated in at least three shootings of suspected *Sureño* gang members for the benefit

1 of the Enterprise. LEBRON has the following *Norteño*-related tattoos: "XIV" on his left forearm.

2 20. Defendant EDER TORRES, a/k/a "Flaco," has been a member of the *Norteño* street gang
 3 ELC since at least 2007. Since at least 2009, TORRES operated as a squad member of the Enterprise
 4 and participated in at least two shootings of suspected *Sureño* gang members, and committed at least one
 5 armed robbery of a credit union for the benefit of the Enterprise. TORRES has the following *Norteño*-
 6 related tattoos: "ELC" on his middle finger, his right forearm, and the back of his head, "XIV" on his
 7 left hand, the Huelga bird on his left forearm, four dots under his left eye, and "Norte" on his chest,

8 21. Defendant JULIAN RUIZ, a/k/a "JJ," has been a member of the *Norteño* street gang ELC
 9 since at least 2006. Since at least 2009, RUIZ operated as a squad member of the Enterprise and
 10 participated in at least two shootings of suspected enemies (typically, suspected *Sureños*) for the benefit
 11 of the Enterprise. RUIZ has the following *Norteño*-related tattoos: "East Side" on his forearms,
 12 "Casitas" on his right arm, "XIV" on his right forearm, "ELC" on his neck, the northern star and a red
 13 star on his neck.

14 22. Defendant ANTONIO CRUZ has been a member of the *Norteño* street gang Santa Rita
 15 since at least 2009. Since at least 2009, CRUZ operated as a squad member of the Enterprise and
 16 participated in at least three shootings of suspected *Sureño* gang members, and committed at least five
 17 armed robberies of banks and commercial establishments for the benefit of the Enterprise.

18 23. Defendant TERRELL GOLDEN, a/k/a "G," has been a member of the *Norteño* street
 19 gang SEM since at least 2009. Since at least 2009, GOLDEN operated as a squad member of the
 20 Enterprise and participated in at least one shooting of suspected *Sureño* gang members for the benefit of
 21 the Enterprise. GOLDEN has the following *Norteño*-related tattoos: "500 Block" and "Eastside" on his
 22 face.

23 24. Defendant ANTHONY LEK has been a member of the *Norteño* street gang Santa Rita
 24 since at least 2007. Since at least 2009, LEK operated as a squad member of the Enterprise and
 25 committed at least two armed robberies of banks and commercial establishments for the benefit of the
 26 Enterprise. LEK has the following *Norteño*-related tattoos: "NS" on his abdomen and on his chest, and
 27 a "B" under the outside corner of his right eye.

28 25. Defendant ROBERT LOERA is not a member of a gang, but has been associating with

1 gang members from ELC, SEM and Santa Rita since at least 2009. Since that time he has permitted
2 Enterprise members to use his house as a safe haven or a type of home base at which to plan robberies
3 and shootings, regroup after such crimes, monitor police communications and response to crimes
4 utilizing a scanner, and store firearms and other robbery tools and proceeds.

5 26. Each defendant, as a member of the Salinas *Norteños* Enterprise, acted individually, and
6 also with other members and associates of the Salinas *Norteños* Enterprise, in the commission of
7 racketeering activities and other criminal conduct. Among other activities taken in furtherance of the
8 Salinas *Norteños* Enterprise, the defendants hunted and shot at individuals believed to be *Sureño* gang
9 members, assisted other Salinas *Norteños* Enterprise members to hunt for and shoot individuals believed
10 to be *Sureño* gang members, shot at other rival gang members or other enemies, and committed armed
11 robberies of banks and other commercial establishments with other Salinas *Norteños* Enterprise
12 members.

13 COUNT ONE: (18 U.S.C. § 1962(d) — Racketeering Conspiracy)

The Racketeering Conspiracy

15 27. Paragraphs 1 through 26 of this Superseding Indictment are realleged and incorporated by
16 reference as though fully set forth herein.

17 28. From 2009, and continuing up through 2011, in the Northern District of California and
18 elsewhere, the defendants,

DANIEL CHAVEZ, a/k/a "Youngster,"

VICTOR SKATES, a/k/a "Demon,"

EDUARDO LEBRON, a/k/a "Warlord,"

EDER TORRES, a/k/a "Flaco,"

JULIAN RUIZ, a/k/a "JJ,"

ANTONIO CRUZ,

ELL, GOLDEN, a/k/a

ANTHONY LEK and

EPT LOEP A- $\alpha/k/\alpha$ "Bu

1 together with others known and unknown, each being a person employed by and associated with the
2 Salinas *Norteños* Enterprise, an enterprise engaged in, and the activities of which affected, interstate and
3 foreign commerce, knowingly and intentionally conspired to violate Title 18, United States Code,
4 Section 1962(c), that is to conduct and participate, directly and indirectly, in the conduct of the affairs of
5 the Salinas *Norteños* Enterprise through a pattern of racketeering activity, as defined in Title 18, United
6 States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of multiple acts
7 and threats involving murder, in violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664,
8 653f, and 422; multiple acts and threats involving robbery, in violation of California Penal Code §§ 211,
9 212.5, 213, 182, 21a, and 664; and multiple acts indictable under 18 U.S.C. §§ 1503 (Obstruction of
10 Justice), 1512 and 1513 (Witness Retaliation and Tampering), and 1951 (Robbery Affecting Interstate
11 Commerce and conspiracy).

12 29. It was part of the conspiracy that each defendant agreed that a conspirator would commit
13 at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

Means and Methods of the Conspiracy

15 30. It was part of the means and methods of the conspiracy that the defendants and other
16 members and associates of the Salinas *Norteños* Enterprise got together on a regular basis and discussed
17 with other members and associates of the Salinas *Norteños* Enterprise, among other things, the
18 membership, rules, and enforcement of the rules of the Salinas *Norteños* Enterprise; the status of Salinas
19 *Norteños* Enterprise members and associates who were arrested or incarcerated; the status of individual
20 *Norteños* and cliques; Salinas *Norteños* Enterprise members' crimes and encounters with law
21 enforcement; the identities of individuals suspected of cooperating with law enforcement and the
22 proposed actions to be taken against them; and plans and agreements regarding the commission of future
23 crimes, including murder, shootings, robbery, illegal possession of firearms, and assault, as well as ways
24 to conceal these crimes.

25 31. It was further part of the means and methods of the conspiracy that the defendants and
26 other members and associates of the Salinas *Norteños* Enterprise agreed to purchase, possess, maintain,
27 use, and circulate a collection of firearms for use in criminal activity by the members and associates of
28 the Salinas *Norteños* Enterprise.

32. It was further part of the means and methods of the conspiracy that the defendants and other members and associates of the Salinas *Norteños* Enterprise agreed that acts of violence, including murder, attempted murder, and assault, would be committed by members and associates of the Salinas *Norteños* Enterprise against actual and suspected members of rival gangs, *Norteño* dropouts, individuals suspected of cooperating with law enforcement, individuals who defied the will of the Salinas *Norteños* Enterprise, and others when such violence furthered the status and goals of the Enterprise.

33. It was further part of the means and methods of the conspiracy that the defendants and other members and associates of the Salinas *Norteños* Enterprise agreed to commit robbery, and other crimes, and to conceal their criminal activities by obstructing justice, threatening and intimidating witnesses, and other means.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT TWO: (18 U.S.C. § 1959(a)(5) — Conspiracy to Commit Murder in Aid of Racketeering)

34. Paragraphs 1 through 26 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

35. At all times relevant to this Superseding Indictment, the Salinas Norteños Enterprise, the above-described enterprise, through its members and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely, multiple acts and threats involving murder, in violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664, 653f, and 422; multiple acts and threats involving robbery, in violation of California Penal Code §§ 211, 212.5, 213, 182, 21a, and 664; and multiple acts indictable under 18 U.S.C. §§ 1503, 1512, 1513, and 1951.

36. From 2009, and continuing through 2011, in the Northern District of California and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, the defendants,

DANIEL CHAVEZ, a/k/a "Youngster,"

VICTOR SKATES, a/k/a "Demon,"

EDUARDO LEBRON, a/k/a "Warlord,"

1 EDER TORRES, a/k/a "Flaco,"

2 JULIAN RUIZ, a/k/a "JJ,"

3 ANTONIO CRUZ,

4 TERRELL GOLDEN, a/k/a "G,"

5 ANTHONY LEK, and

6 ROBERT LOERA, a/k/a "Buddha,"

7 together with others known and unknown, knowingly and intentionally combined, conspired,
 8 confederated, and agreed together and with each other to commit murder, in violation of California
 9 Penal Code Sections 187, 188, and 189, to wit, the defendants agreed with other members of the Salinas
 10 *Norteños* Enterprise to kill actual and suspected members of rival gangs, *Norteño* dropouts, individuals
 11 suspected of cooperating with law enforcement, individuals who defied the will of the Salinas *Norteños*
 12 Enterprise, and others when it furthered the status and goals of the Enterprise.

13 All in violation of Title 18, United States Code, Section 1959(a)(5).

14 COUNT THREE: (18 U.S.C. § 1959(a)(6) — Conspiracy to Commit Assault with a Dangerous
 15 Weapon in Aid of Racketeering)

16 37. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
 17 incorporated by reference as though fully set forth herein.

18 38. From 2009, and continuing through 2011, in the Northern District of California and
 19 elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas
 20 *Norteños* Enterprise, an enterprise engaged in racketeering activity, the defendants,

21 DANIEL CHAVEZ, a/k/a "Youngster,"

22 VICTOR SKATES, a/k/a "Demon,"

23 EDUARDO LEBRON, a/k/a "Warlord,"

24 EDER TORRES, a/k/a "Flaco,"

25 JULIAN RUIZ, a/k/a "JJ,"

26 ANTONIO CRUZ,

27 TERRELL GOLDEN, a/k/a "G,"

28 ANTHONY LEK, and

1 ROBERT LOERA, a/k/a "Buddha,"

2 together with others known and unknown, knowingly and intentionally combined, conspired,
 3 confederated, and agreed together and with each other to commit assault with a dangerous weapon, in
 4 violation of California Penal Code Section 245(a)(2), to wit, the defendants agreed with other members
 5 of the Salinas *Norteños* Enterprise to assault, with guns and other dangerous weapons, actual and
 6 suspected members of rival gangs, *Norteño* dropouts, individuals suspected of cooperating with law
 7 enforcement, individuals who defied the will of the Salinas *Norteños* Enterprise, and others when it
 8 furthered the status and goals of the Enterprise.

9 All in violation of Title 18, United States Code, Section 1959(a)(6).

10 COUNT FOUR: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of
 11 Crime of Violence)

12 39. From 2009, and continuing through 2011, in the Northern District of California and
 13 elsewhere, the defendants,

14 DANIEL CHAVEZ, a/k/a "Youngster,"

15 VICTOR SKATES, a/k/a "Demon,"

16 EDUARDO LEBRON, a/k/a "Warlord,"

17 EDER TORRES, a/k/a "Flaco,"

18 JULIAN RUIZ, a/k/a "JJ,"

19 ANTONIO CRUZ,

20 TERRELL GOLDEN, a/k/a "G,"

21 ANTHONY LEK, and

22 ROBERT LOERA, a/k/a "Buddha,"

23 together with others known and unknown, knowingly used and carried a firearm during and in relation
 24 to a crime of violence for which they may be prosecuted in a court of the United States, namely, the
 25 racketeering conspiracy charged in Count One of this Superseding Indictment, the conspiracy to commit
 26 murder in aid of racketeering charged in Count Two of this Superseding Indictment, and the conspiracy
 27 to commit assault with a dangerous weapon in aid of racketeering charged in Count Three of this
 28 Superseding Indictment, and aided and abetted the same; and possessed, brandished, and discharged a

1 firearm in furtherance of the offenses charged in Count One, Two, and Three of this Indictment, and
 2 aided and abetted the same.

3 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

4 COUNT FIVE: (18 U.S.C. § 1951(a) – Conspiracy to Commit Robbery Affecting Interstate
 5 Commerce)

6 40. From 2009, and continuing through 2011, in the Northern District of California and
 7 elsewhere, defendants

8 DANIEL CHAVEZ, a/k/a “Youngster,”

9 VICTOR SKATES, a/k/a “Demon,”

10 EDER TORRES, a/k/a “Flaco,”

11 ANTONIO CRUZ,

12 ANTHONY LEK, and

13 ROBERT LOERA, a/k/a “Buddha,”

14 together with others known and unknown, willfully and intentionally combined, conspired,
 15 confederated, and agreed together and with one another to commit robbery, as that term is defined in
 16 Title 18, United States Code, Section 1951(b)(1), and thereby would obstruct, delay, and affect
 17 commerce and the movement of articles and commodities in commerce.

18 All in violation of Title 18, United States Code, Section 1951(a).

19 COUNT SIX: (18 U.S.C. §§ 2113(a) and (d), and 371 – Conspiracy to Rob Banks and Credit
 20 Unions)

21 41. From 2009, and continuing through 2011, in the Northern District of California and
 22 elsewhere, defendants

23 DANIEL CHAVEZ, a/k/a “Youngster,”

24 VICTOR SKATES, a/k/a “Demon,”

25 EDER TORRES, a/k/a “Flaco,”

26 ANTONIO CRUZ,

27 ANTHONY LEK, and

28 ROBERT LOERA, a/k/a “Buddha,”

1 together with others known and unknown, knowingly and intentionally combined, conspired,
 2 confederated, and agreed together and with one another to commit an offense against the United States,
 3 namely, to violate Title 18, United States Code, Section 2113(a) and (d).

42. It was a part and an object of the conspiracy that defendants

5 DANIEL CHAVEZ, a/k/a "Youngster,"

6 VICTOR SKATES, a/k/a "Demon,"

7 EDER TORRES, a/k/a "Flaco,"

8 ANTONIO CRUZ,

9 ANTHONY LEK, and

10 ROBERT LOERA, a/k/a "Buddha,"

11 and their co-conspirators, knowingly would and did take by force, violence, and intimidation from the
 12 person and presence of another, property and money belonging to, and in the care, custody, control,
 13 management, and possession of banks and credit unions, and in committing such offense, would and did
 14 assault and put in jeopardy the life of another person by the use of a dangerous weapon, specifically, a
 15 firearm, all in violation of Title 18, United States Code, Section 2113(a) and (d).

16 43. In furtherance of the conspiracy and to effect the illegal object thereof, the following
 17 overt acts, among others, were committed in the Northern District of California and elsewhere:

18 a. On January 21, 2009, defendants DANIEL CHAVEZ and VICTOR SKATES,
 19 together with others, robbed the Bank of America inside a Save Mart Supermarkets store in Salinas,
 20 California.

21 b. On October 20, 2010, defendant VICTOR SKATES, together with others, robbed
 22 the Golden1 Credit Union in Salinas, California.

23 c. On November 23, 2010, defendants VICTOR SKATES and ANTONIO CRUZ,
 24 together with others, robbed the Bank of the West in San Jose, California.

25 d. On December 16, 2010, defendants VICTOR SKATES and ANTONIO CRUZ,
 26 together with others, robbed the Wells Fargo bank in Watsonville, California.

27 e. On January 7, 2011, defendants VICTOR SKATES and ANTONIO CRUZ,
 28 together with others, robbed the Rabobank in Watsonville, California.

1 f. On March 17, 2011, defendants VICTOR SKATES and ANTHONY LEK,
2 together with others, robbed the Chase bank in Santa Maria, California.

3 g. On April 22, 2011, defendants DANIEL CHAVEZ and EDER TORRES, together
4 with others, robbed the Bay Federal Credit Union in Watsonville, California.

5 All in violation of Title 18, United States Code, Section 371.

6 COUNT SEVEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of
7 Crime of Violence)

8 44. From 2009, and continuing through 2011, in the Northern District of California and
9 elsewhere, defendants

10 DANIEL CHAVEZ, a/k/a "Youngster,"

11 VICTOR SKATES, a/k/a "Demon,"

12 EDER TORRES, a/k/a "Flaco,"

13 ANTONIO CRUZ,

14 ANTHONY LEK, and

15 ROBERT LOERA, a/k/a "Buddha,"

16 together with others known and unknown, knowingly used and carried a firearm during and in relation
17 to a crime of violence for which they may be prosecuted in a court of the United States, namely, the
18 conspiracy to commit robbery affecting interstate commerce charged in Count Five of this Superseding
19 Indictment, and the conspiracy to commit bank and credit union robberies charged in Count Six of this
20 Superseding Indictment, and aided and abetted the same; and possessed, brandished, and discharged a
21 firearm in furtherance of the offenses charged in Counts Five and Six of this Superseding Indictment,
22 and aided and abetted the same.

23 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

24 COUNT EIGHT: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of
25 Victim-1)

26 45. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
27 incorporated by reference as though fully set forth herein.

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1 46. On January 15, 2009, on Las Casitas Drive in Salinas, California, in the Northern District
2 of California, for the purpose of gaining entrance to and maintaining and increasing position in the
3 Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

DANIEL CHAVEZ, a/k/a "Youngster," and

VICTOR SKATES, a/k/a "Demon,"

6 each aided and abetted by the other, willfully, and intentionally murdered Victim-1, in violation of
7 California Penal Code Sections 187, 188, and 189.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

COUNT NINE: (18 U.S.C. §§ 924(j)(1) and 2 – Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)

11 47. On January 15, 2009, on Las Casitas Drive in Salinas, California, in the Northern District
12 of California, defendants

DANIEL CHAVEZ, a/k/a "Youngster," and

VICTOR SKATES, a/k/a "Demon,"

15 each aided and abetted by the other, willfully and knowingly used and carried a firearm, during and in
16 relation to a crime of violence for which they may be prosecuted in a court of the United States, namely,
17 the murder in aid of racketeering of Victim-1 charged in Count Eight of this Superseding Indictment,
18 and possessed a firearm in furtherance of such crime, and in the course of that crime caused the death of
19 a person through the use of a firearm, which killing was murder as defined in Title 18, United States
20 Code, Section 1111(a).

All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

COUNT TEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)

24 48. On January 15, 2009, on Las Casitas Drive in Salinas, California, in the Northern District
25 of California, defendants

DANIEL CHAVEZ, a/k/a "Youngster," and

VICTOR SKATES, a/k/a "Demon,"

28 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a

1 crime of violence for which they may be prosecuted in a court of the United States, namely, the murder
 2 in aid of racketeering of Victim-1 charged in Count Eight of this Superseding Indictment, and possessed,
 3 brandished, and discharged a firearm in furtherance of the offense charged in Count Eight of this
 4 Superseding Indictment.

5 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

6 COUNT ELEVEN: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
 7 Victim-2)

8 49. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
 9 incorporated by reference as though fully set forth herein.

10 50. On August 2, 2009, on Dallas Street in Salinas, California, in the Northern District of
 11 California, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas
 12 *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

13 DANIEL CHAVEZ, a/k/a “Youngster,” and

14 VICTOR SKATES, a/k/a “Demon,”

15 each aided and abetted by the other, willfully and intentionally murdered Victim-2, in violation of
 16 California Penal Code Sections 187, 188, and 189.

17 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

18 COUNT TWELVE: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
 19 Victim-3)

20 51. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
 21 incorporated by reference as though fully set forth herein.

22 52. On August 2, 2009, on Dallas Street in Salinas, California, in the Northern District of
 23 California, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas
 24 *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

25 DANIEL CHAVEZ, a/k/a “Youngster,” and

26 VICTOR SKATES, a/k/a “Demon,”

27 each aided and abetted by the other, willfully and intentionally murdered Victim-3, in violation of
 28 California Penal Code Sections 187, 188, and 189.

1 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

2 COUNT THIRTEEN: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of
3 Crime of Violence Resulting in Murder)

4 53. On August 2, 2009, on Dallas Street in Salinas, California, in the Northern District of
5 California, defendants

6 DANIEL CHAVEZ, a/k/a "Youngster," and

7 VICTOR SKATES, a/k/a "Demon,"

8 each aided and abetted by the other, willfully and knowingly used and carried a firearm, during and in
9 relation to a crime of violence for which they may be prosecuted in a court of the United States, namely,
10 the murders in aid of racketeering of Victim-2 and Victim-3 charged in Counts 11 and 12 of this
11 Superseding Indictment, and possessed a firearm in furtherance of such crime, and in the course of that
12 crime caused the death of a person through the use of a firearm, which killing was murder as defined in
13 Title 18, United States Code, Section 1111(a).

14 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

15 COUNT FOURTEEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
16 Furtherance of Crime of Violence)

17 54. On August 2, 2009, on Dallas Street in Salinas, California, in the Northern District of
18 California, defendants

19 DANIEL CHAVEZ, a/k/a "Youngster," and

20 VICTOR SKATES, a/k/a "Demon,"

21 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a
22 crime of violence for which they may be prosecuted in a court of the United States, namely, the murders
23 in aid of racketeering of Victim-2 and Victim-3 charged in Counts 11 and 12 of this Superseding
24 Indictment, and possessed, brandished, and discharged a firearm in furtherance of the offense charged in
25 Counts 11 and 12 of this Superseding Indictment, and aided and abetted the same.

26 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

27 //

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COUNT FIFTEEN: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
Victim-4)

3 55. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
4 incorporated by reference as though fully set forth herein.

5 56. On September 10, 2009, on Rider Avenue in Salinas, California, in the Northern District
6 of California, for the purpose of gaining entrance to and maintaining and increasing position in the
7 Salinas Norteños Enterprise, an enterprise engaged in racketeering activity, defendants

VICTOR SKATES, a/k/a "Demon," and

TERRELL GOLDEN, a/k/a "G,"

10 each aided and abetted by the other, willfully and intentionally murdered Victim-4, in violation of
11 California Penal Code Sections 187, 188, and 189.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

13 COUNT SIXTEEN: (18 U.S.C. §§ 924(j)(1) and 2 – Use/Possession of Firearm in Furtherance of
14 Crime of Violence Resulting in Murder)

15 57. On September 10, 2009, on Rider Avenue in Salinas, California, in the Northern District
16 of California, defendants

VICTOR SKATES, a/k/a "Demon," and

TERRELL GOLDEN, a/k/a "G,"

19 each aided and abetted by the other, willfully and knowingly used and carried a firearm, during and in
20 relation to a crime of violence for which they may be prosecuted in a court of the United States, namely,
21 the murder in aid of racketeering of Victim-4 charged in Count 15 of this Superseding Indictment, and
22 possessed a firearm in furtherance of such crime, and in the course of that crime caused the death of a
23 person through the use of a firearm, which killing was murder as defined in Title 18, United States
24 Code, Section 1111(a).

All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

25 / 11

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11

1 COUNT SEVENTEEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
 2 Furtherance of Crime of Violence)

3 58. On September 10, 2009, on Rider Avenue in Salinas, California, in the Northern District
 4 of California, defendants

5 VICTOR SKATES, a/k/a "Demon," and
 6 TERRELL GOLDEN, a/k/a "G,"

7 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a
 8 crime of violence for which they may be prosecuted in a court of the United States, namely, the murder
 9 in aid of racketeering of Victim-4 charged in Count 15 of this Superseding Indictment, and possessed,
 10 brandished, and discharged a firearm in furtherance of the offense charged in Count 15 of this
 11 Superseding Indictment.

12 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

13 COUNT EIGHTEEN: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of
 14 Victim-5)

15 59. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
 16 incorporated by reference as though fully set forth herein.

17 60. On December 2, 2009, on Lohman Street in Salinas, California, in the Northern District
 18 of California, for the purpose of gaining entrance to and maintaining and increasing position in the
 19 Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

20 ANTONIO CRUZ,

21 willfully and intentionally murdered Victim-5, in violation of California Penal Code Sections 187, 188,
 22 and 189.

23 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

24 COUNT NINETEEN: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance of
 25 Crime of Violence Resulting in Murder)

26 61. On December 2, 2009, on Lohman Street in Salinas, California, in the Northern District
 27 of California, defendant

28 ANTONIO CRUZ,

1 willfully and knowingly used and carried a firearm, during and in relation to a crime of violence for
 2 which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering of
 3 Victim-5 charged in Count 18 of this Superseding Indictment, and possessed a firearm in furtherance of
 4 such crime, and in the course of that crime caused the death of a person through the use of a firearm,
 5 which killing was murder as defined in Title 18, United States Code, Section 1111(a).

6 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

7 COUNT TWENTY: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of
 8 Crime of Violence)

9 62. On December 2, 2009, on Lohman Street in Salinas, California, in the Northern District
 10 of California, defendant

11 ANTONIO CRUZ,

12 knowingly used and carried a firearm during and in relation to a crime of violence for which he may be
 13 prosecuted in a court of the United States, namely, the murder in aid of racketeering of Victim-5 charged
 14 in Count 18 of this Superseding Indictment, and possessed, brandished, and discharged a firearm in
 15 furtherance of the offense charged in Count 18 of this Superseding Indictment.

16 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

17 COUNT TWENTY-ONE: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of
 18 Victim-6)

19 63. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
 20 incorporated by reference as though fully set forth herein.

21 64. On December 11, 2009, on Rider Avenue in Salinas, California, in the Northern District
 22 of California, for the purpose of gaining entrance to and maintaining and increasing position in the
 23 Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

24 DANIEL CHAVEZ, a/k/a "Youngster," and

25 VICTOR SKATES, a/k/a "Demon,"

26 each aided and abetted by the other, willfully and intentionally murdered Victim-6, in violation of
 27 California Penal Code Sections 187, 188, and 189.

28 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

1 COUNT TWENTY-TWO: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance
 2 of Crime of Violence Resulting in Murder)

3 65. On December 11, 2009, on Rider Avenue in Salinas, California, in the Northern District
 4 of California, defendants

5 DANIEL CHAVEZ, a/k/a "Youngster," and

6 VICTOR SKATES, a/k/a "Demon,"

7 each aided and abetted by the other, willfully and knowingly used and carried a firearm, during and in
 8 relation to a crime of violence for which they may be prosecuted in a court of the United States, namely,
 9 the murder in aid of racketeering of Victim-6 charged in Count 21 of this Superseding Indictment, and
 10 possessed a firearm in furtherance of such crime, and in the course of that crime caused the death of a
 11 person through the use of a firearm, which killing was murder as defined in Title 18, United States
 12 Code, Section 1111(a).

13 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

14 COUNT TWENTY-THREE: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
 15 Furtherance of Crime of Violence)

16 66. On December 11, 2009, on Rider Avenue in Salinas, California, in the Northern
 17 District of California, defendants

18 DANIEL CHAVEZ, a/k/a "Youngster," and

19 VICTOR SKATES, a/k/a "Demon,"

20 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a
 21 crime of violence for which they may be prosecuted in a court of the United States, namely, the murder
 22 in aid of racketeering of Victim-6 charged in Count 21 of this Superseding Indictment, and possessed,
 23 brandished, and discharged a firearm in furtherance of the offense charged in Count 21 of this
 24 Superseding Indictment.

25 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

26 COUNT TWENTY-FOUR: (18 U.S.C. § 1951(a) —Robbery Affecting Interstate Commerce)

27 67. On June 2, 2010, in the Northern District of California, defendants

28 VICTOR SKATES, a/k/a "Demon,"

1 ANTONIO CRUZ, and

2 ANTHONY LEK,

3 each aided and abetted by each other, knowingly obstructed, delayed, and affected commerce and the
4 movement of articles and commodities in commerce by robbery, as that term is defined in Title 18,
5 United States Code, Section 1951(b)(1), of the Zales jewelry store in Gilroy, California.

6 All in violation of Title 18, United States Code, Sections 1951(a) and 2.

7 COUNT TWENTY-FIVE: (18 U.S.C. § 924(c)(1)(A) and 2 -- Use/Possession of Firearm in
8 Furtherance of a Crime of Violence)

9 68. On June 2, 2010, in the Northern District of California, defendants

10 VICTOR SKATES, a/k/a "Demon,"

11 ANTONIO CRUZ, and

12 ANTHONY LEK,

13 each aided and abetted by each other, knowingly used, carried, and brandished a firearm during and in
14 relation to a crime of violence for which they may be prosecuted in a court of the United States, namely,
15 the robbery affecting commerce charged in Count 24 of this Superseding Indictment, and possessed and
16 brandished a firearm in furtherance of the offense charged in Count 24 of this Superseding Indictment.

17 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

18 COUNT TWENTY-SIX: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of
19 Victim-7)

20 69. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
21 incorporated by reference as though fully set forth herein.

22 70. On August 17, 2010, on Alamo Way in Salinas, California, in the Northern District of
23 California, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas
24 *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

25 ANTONIO CRUZ,

26 willfully and intentionally murdered Victim-7, in violation of California Penal Code Sections 187, 188,
27 and 189, and aided and abetted the same.

28 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

1 COUNT TWENTY-SEVEN: (18 U.S.C. §§ 924(j)(1) and 2 – Use/Possession of Firearm in Furtherance
2 of Crime of Violence Resulting in Murder)

3 71. On August 17, 2010, on Alamo Way in Salinas, California, in the Northern District of
4 California, defendant

ANTONIO CRUZ,

6 willfully and knowingly used and carried a firearm, during and in relation to a crime of violence for
7 which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering of
8 Victim-7 charged in Count 26 of this Superseding Indictment, and possessed a firearm in furtherance of
9 such crime, and in the course of that crime caused the death of a person through the use of a firearm,
10 which killing was murder as defined in Title 18, United States Code, Section 1111(a), and aided and
11 abetted the same.

All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

13 COUNT TWENTY-EIGHT: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
14 Furtherance of Crime of Violence)

15 72. On August 17, 2010, on Alamo Way in Salinas, California, in the Northern District of
16 California, defendant

ANTONIO CRUZ,

knowingly used and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering of Victim-7 charged in Count 26 of this Superseding Indictment, and possessed, brandished, and discharged a firearm in furtherance of the offense charged in Count 26 of this Superseding Indictment, and aided and abetted the same.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

24 | COUNT TWENTY-NINE: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
25 | Victim-8)

26 73. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
27 incorporated by reference as though fully set forth herein,

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74. On September 28, 2010, on Del Monte Avenue in Salinas, California, in the Northern District of California, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

VICTOR SKATES, a/k/a "Demon," and

EDER TORRES, a/k/a "Flaco,"

each aided and abetted by the other, willfully and intentionally murdered Victim-8, in violation of California Penal Code Sections 187, 188, and 189.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

COUNT THIRTY: (18 U.S.C. §§ 924(j)(1) and 2 – Use/Possession of Firearm in Furtherance of Crime of Violence Resulting in Murder)

75. On September 28, 2010, on Del Monte Avenue in Salinas, California, in the Northern District of California, defendants

VICTOR SKATES, a/k/a "Demon," and

EDER TORRES, a/k/a "Flaco,"

each aided and abetted by the other, willfully and knowingly used and carried a firearm, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murder in aid of racketeering of Victim-8 charged in Count 29 of this Superseding Indictment, and possessed a firearm in furtherance of such crime, and in the course of that crime caused the death of a person through the use of a firearm, which killing was murder as defined in Title 18, United States Code, Section 1111(a).

All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

COUNT THIRTY-ONE: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)

76. On September 28, 2010, on Del Monte Avenue in Salinas, California, in the Northern District of California, defendants

VICTOR SKATES, a/k/a "Demon," and

EDER TORRES, a/k/a "Flaco,"

each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a

1 crime of violence for which they may be prosecuted in a court of the United States, namely, the murder
 2 in aid of racketeering of Victim-8 charged in Count 29 of this Superseding Indictment, and possessed,
 3 brandished, and discharged a firearm in furtherance of the offense charged in Count 29 of this
 4 Superseding Indictment.

5 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

6 COUNT THIRTY-TWO: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
 7 Victim-9)

8 77. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
 9 incorporated by reference as though fully set forth herein.

10 78. On October 1, 2010, on the campus of Alisal High School in Salinas, California, in the
 11 Northern District of California, for the purpose of gaining entrance to and maintaining and increasing
 12 position in the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

13 VICTOR SKATES, a/k/a “Demon,”

14 willfully and intentionally murdered Victim-9, in violation of California Penal Code Sections 187, 188,
 15 and 189.

16 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

17 COUNT THIRTY-THREE: (18 U.S.C. §§ 924(j)(1) and 2 – Use/Possession of Firearm in Furtherance
 18 of Crime of Violence Resulting in Murder)

19 79. On October 1, 2010, on the campus of Alisal High School in Salinas, California, in the
 20 Northern District of California, defendant

21 VICTOR SKATES, a/k/a “Demon,”

22 willfully and knowingly used and carried a firearm, during and in relation to a crime of violence for
 23 which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering of
 24 Victim-9 charged in Count 32 of this Superseding Indictment, and possessed a firearm in furtherance of
 25 such crime, and in the course of that crime caused the death of a person through the use of a firearm,
 26 which killing was murder as defined in Title 18, United States Code, Section 1111(a).

27 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

28 //

1 COUNT THIRTY-FOUR: (18 U.S.C. § 924(c)(1)(A) and 2 — Use/Possession of Firearm in
2 Furtherance of Crime of Violence)

3 80. On October 1, 2010, on the campus of Alisal High School in Salinas, California, in the
4 Northern District of California, defendant

VICTOR SKATES, a/k/a "Demon,"

6 knowingly used and carried a firearm during and in relation to a crime of violence for which he may be
7 prosecuted in a court of the United States, namely, the murder in aid of racketeering of Victim-9 charged
8 in Count 32 of this Superseding Indictment, and possessed, brandished, and discharged a firearm in
9 furtherance of the offense charged in Count 32 of this Superseding Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

11 | COUNT THIRTY-FIVE: (18 U.S.C. §§ 1959(a)(5) and 2 – Attempted Murder in Aid of
12 | Racketeering of Victim-10)

13 81. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
14 incorporated by reference as though fully set forth herein.

15 82. On October 28, 2010, on Sunrise Street in Salinas, California, in the Northern District of
16 California, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas
17 *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

EDUARDO LEBRON, a/k/a "Warlord,"

19 willfully and intentionally attempted to murder Victim-10, in violation of California Penal Code
20 Sections 187, 188, 189, 21a, and 664.

21 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

22 | COUNT THIRTY-SIX: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid
23 | of Racketeering of Victim-10)

24 35. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
25 incorporated by reference as though fully set forth herein.

26 36. On October 28, 2010, on Sunrise Street in Salinas, California, in the Northern District of
27 California, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas
28 *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

EDUARDO LEBRON, a/k/a "Warlord,"

2 together with others known and unknown, knowingly and intentionally assaulted Victim-10 with a
3 dangerous weapon, in violation of California Penal Code Section 245(a)(2).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

5 COUNT THIRTY-SEVEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
6 Furtherance of Crime of Violence)

7 83. On October 28, 2010, on Sunrise Street in Salinas, California, in the Northern District of
8 California, defendant

EDUARDO LEBRON, a/k/a "Warlord,"

10 knowingly used and carried a firearm during and in relation to a crime of violence for which he may be
11 prosecuted in a court of the United States, namely, the attempted murder in aid of racketeering of
12 Victim-10 charged in Count 35 of this Superseding Indictment and the assault with a dangerous weapon
13 of Victim-10 charged in Count 36 of this Superseding Indictment, and possessed, brandished, and
14 discharged a firearm in furtherance of the offense charged in Counts 35 and 36 of this Superseding
15 Indictment.

16 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

COUNT THIRTY-EIGHT: (18 U.S.C. §§ 1959(a)(5) and 2 — Attempted Murder in Aid of Racketeering of Victim-11)

19 84. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
20 incorporated by reference as though fully set forth herein.

21 85. On November 5, 2010, on Bellehaven Street in Salinas, California, in the Northern
22 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
23 the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

VICTOR SKATES, a/k/a "Demon,"

25 willfully and intentionally attempted to murder Victim-11, in violation of California Penal Code
26 Sections 187, 188, 189, 21a, and 664.

27 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

28 | //

3 86. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
4 incorporated by reference as though fully set forth herein.

5 87. On November 5, 2010, on Bellehaven Street in Salinas, California, in the Northern
6 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
7 the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

8 VICTOR SKATES, a/k/a "Demon,"

9 willfully and intentionally attempted to murder Victim-12, in violation of California Penal Code
10 Sections 187, 188, 189, 21a, and 664.

All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

12 COUNT FORTY: (18 U.S.C. §§ 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering of
13 Victim-13)

14 88. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
15 incorporated by reference as though fully set forth herein.

16 89. On November 5, 2010, on Bellehaven Street in Salinas, California, in the Northern
17 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
18 the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

19 VICTOR SKATES, a/k/a "Demon,"

willfully and intentionally attempted to murder Victim-13, in violation of California Penal Code Sections 187, 188, 189, 21a, and 664.

22 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

23 | COUNT FORTY-ONE: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in
24 | Aid of Racketeering of Victim-11)

25 90. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
26 incorporated by reference as though fully set forth herein.

11

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91. On November 5, 2010, on Bellehaven Street in Salinas, California, in the Northern District of California, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

VICTOR SKATES, a/k/a "Demon,"

knowingly and intentionally assaulted Victim-11 with a dangerous weapon, in violation of California Penal Code Section 245(a)(2).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT FORTY-TWO: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of Racketeering of Victim-12)

92. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

93. On November 5, 2010, on Bellehaven Street in Salinas, California, in the Northern District of California, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

VICTOR SKATES, a/k/a "Demon,"

knowingly and intentionally assaulted Victim-12 with a dangerous weapon, in violation of California Penal Code Section 245(a)(2).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT FORTY-THREE: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of Racketeering of Victim-13)

94. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

95. On November 5, 2010, on Bellehaven Street in Salinas, California, in the Northern District of California, for the purpose of gaining entrance to and maintaining and increasing position in the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

VICTOR SKATES, a/k/a "Demon,"

knowingly and intentionally assaulted Victim-13 with a dangerous weapon, in violation of California Penal Code Section 245(a)(2).

1 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

2 COUNT FORTY-FOUR: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
3 Furtherance of Crime of Violence)

4 96. On November 5, 2010, on Bellehaven Street in Salinas, California, in the Northern
5 District of California, defendant

6 VICTOR SKATES, a/k/a "Demon,"
7 knowingly used and carried a firearm during and in relation to a crime of violence for which he may be
8 prosecuted in a court of the United States, namely, the attempted murder in aid of racketeering of
9 Victims-11, 12 and 13 as charged in Counts 38, 39 and 40 of this Superseding Indictment and the assault
10 with a dangerous weapon in aid of racketeering of Victims-11, 12 and 13 as charged in Counts 41, 42,
11 and 43 of this Superseding Indictment, and possessed, brandished, and discharged a firearm in
12 furtherance of the offenses charged in Counts 38 through 43 of this Superseding Indictment.

13 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

14 COUNT FORTY-FIVE: (18 U.S.C. §§ 1959(a)(5) and 3 — Accessory After the Fact)

15 97. On November 5, 2010, in the Northern District of California, defendant

16 ROBERT LOERA, a/k/a "Buddha,"
17 knowing that an offense against the United States had been committed, namely, the attempted murder in
18 aid of racketeering of Victims-11, 12 and 13 as charged in Counts 38, 39, and 40 of this Superseding
19 Indictment, the assault with a dangerous weapon in aid of racketeering of Victims-11, 12 and 13 as
20 charged in Counts 41, 42 and 43 of this Superseding Indictment, and the use, carrying, possession of a
21 firearm as charged in Count 44 of this Superseding Indictment, received, comforted, and assisted the
22 offenders, in order to hinder and prevent the offenders' apprehension, trial, and punishment.

23 All in violation of Title 18, United States Code, Section 3.

24 COUNT FORTY-SIX: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of
25 Victim-14)

26 98. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
27 incorporated by reference as though fully set forth herein.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

COUNT FORTY-SEVEN: (18 U.S.C. §§ 924(j)(1) and 2 – Use/Possession of Firearm in Furtherance
of Crime of Violence Resulting in Murder)

11 100. On November 10, 2010, on Del Monte Avenue in Salinas, California, in the Northern
12 District of California, defendants

DANIEL CHAVEZ, a/k/a "Youngster," and
VICTOR SKATES, a/k/a "Demon,"
each aided and abetted by the other, willfully and knowingly used and carried a firearm, during and in
relation to a crime of violence for which they may be prosecuted in a court of the United States, namely
the murder in aid of racketeering of Victim-14 charged in Count 46 of this Superseding Indictment, and
possessed a firearm in furtherance of such crime, and in the course of that crime caused the death of a
person through the use of a firearm, which killing was murder as defined in Title 18, United States
Code, Section 1111(a).

All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

22 COUNT FORTY-EIGHT: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
23 Furtherance of Crime of Violence)

24 101. On November 10, 2010, on Del Monte Avenue in Salinas, California, in the Northern
25 District of California and elsewhere, defendants

DANIEL CHAVEZ, a/k/a "Youngster," and
VICTOR SKATES, a/k/a "Demon,"

28 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a

1 crime of violence for which they may be prosecuted in a court of the United States, namely, the murder
 2 in aid of racketeering of Victim-14 charged in Count 46 of this Superseding Indictment, and possessed,
 3 brandished, and discharged a firearm in furtherance of the offense charged in Count 46 of this
 4 Superseding Indictment.

5 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

6 COUNT FORTY-NINE: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
 7 Victim-15)

8 102. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
 9 incorporated by reference as though fully set forth herein.

103. On November 19, 2010, on St. Edwards Avenue in Salinas, California, in the Northern
 11 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
 12 the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

13 VICTOR SKATES, a/k/a “Demon,” and

14 EDUARDO LEBRON, a/k/a “Warlord,”

15 each aided and abetted by the other, willfully and intentionally murdered Victim-15, in violation of
 16 California Penal Code Sections 187, 188, and 189.

17 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

18 COUNT FIFTY: (18 U.S.C. §§ 924(j)(1) and 2 – Use/Possession of Firearm in Furtherance of
 19 Crime of Violence Resulting in Murder)

20 104. On November 19, 2010, on St. Edwards Avenue in Salinas, California, in the Northern
 21 District of California, defendants

22 VICTOR SKATES, a/k/a “Demon,” and

23 EDUARDO LEBRON, a/k/a “Warlord,”

24 each aided and abetted by the other, willfully and knowingly used and carried a firearm, during and in
 25 relation to a crime of violence for which they may be prosecuted in a court of the United States, namely,
 26 the murder in aid of racketeering of Victim-15 charged in Count 49 of this Superseding Indictment, and
 27 possessed a firearm in furtherance of such crime, and in the course of that crime caused the death of a
 28 person through the use of a firearm, which killing was murder as defined in Title 18, United States

1 Code, Section 1111(a).

2 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

3 COUNT FIFTY-ONE: (18 U.S.C. §§ 1959(a)(5) and 2 — Attempted Murder in Aid of
4 Racketeering of Victim-16)

5 105. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
6 incorporated by reference as though fully set forth herein.

7 106. On November 19, 2010, on St. Edwards Avenue in Salinas, California, in the Northern
8 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
9 the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

10 VICTOR SKATES, a/k/a “Demon,” and

11 EDUARDO LEBRON, a/k/a “Warlord,”

12 each aided and abetted by the other, willfully and intentionally attempted to murder Victim-16, in
13 violation of California Penal Code Sections 187, 188, 189, 21a, and 664.

14 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

15 COUNT FIFTY-TWO: (18 U.S.C. §§ 1959(a)(5) and 2 — Attempted Murder in Aid of
16 Racketeering of Victim-17)

17 107. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
18 incorporated by reference as though fully set forth herein.

19 108. On November 19, 2010, on St. Edwards Avenue in Salinas, California, in the Northern
20 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
21 the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

22 VICTOR SKATES, a/k/a “Demon,” and

23 EDUARDO LEBRON, a/k/a “Warlord,”

24 each aided and abetted by the other, willfully and intentionally attempted to murder Victim-17, in
25 violation of California Penal Code Sections 187, 188, 189, 21a, and 664.

26 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

27 //

28 //

1 COUNT FIFTY-THREE: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of

Racketeering of Victim-16)

3 109. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
4 incorporated by reference as though fully set forth herein.

5 110. On November 19, 2010, on St. Edwards Avenue in Salinas, California, in the Northern
6 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
7 the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

VICTOR SKATES, a/k/a "Demon," and

EDUARDO LEBRON, a/k/a "Warlord,"

10 each aided and abetted by the other, knowingly and intentionally assaulted Victim-16 with a dangerous
11 weapon, in violation of California Penal Code Section 245(a)(2).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

13 COUNT FIFTY-FOUR: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of

Racketeering of Victim-17)

15 111. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
16 incorporated by reference as though fully set forth herein.

17 112. On November 19, 2010, on St. Edwards Avenue in Salinas, California, in the Northern
18 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
19 the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

VICTOR SKATES, a/k/a "Demon," and

EDUARDO LEBRON, a/k/a "Warlord,"

22 each aided and abetted by the other, knowingly and intentionally assaulted Victim-17 with a dangerous
23 weapon, in violation of California Penal Code Section 245(a)(2).

24 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

25 COUNT FIFTY-FIVE (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
26 Furtherance of Crime of Violence)

27 113. On November 19, 2010, on St. Edwards Avenue in Salinas, California, in the Northern
28 District of California, defendants

1 VICTOR SKATES, a/k/a "Demon," and

2 EDUARDO LEBRON, a/k/a "Warlord,"

3 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a
 4 crime of violence for which they may be prosecuted in a court of the United States, namely, the murder
 5 in aid of racketeering of Victim-15 as charged in Count 49 of this Superseding Indictment and the
 6 attempted murders in aid of racketeering of Victims-16 and 17 as charged in Counts 51 and 52 of this
 7 Superseding Indictment, and the assault with a dangerous weapon of Victims-16 and 17 as charged in
 8 Counts 53 and 54 of this Superseding Indictment, and possessed, brandished, and discharged a firearm
 9 in furtherance of the offenses charged in Counts 49, and 51 through 54 of this Superseding Indictment.

10 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

11 COUNT FIFTY-SIX: (18 U.S.C. §§ 1959(a)(1) and 2 — Murder in Aid of Racketeering of Victim-18)

12 114. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
 13 incorporated by reference as though fully set forth herein.

14 115. On November 21, 2010, on Falcon Drive in Salinas, California, in the Northern District
 15 of California, for the purpose of gaining entrance to and maintaining and increasing position in the
 16 Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendant

17 EDUARDO LEBRON, a/k/a "Warlord,"

18 willfully and intentionally murdered Victim-18, in violation of California Penal Code Sections 187, 188,
 19 and 189.

20 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

21 COUNT FIFTY-SEVEN: (18 U.S.C. §§ 924(j)(1) and 2 — Use/Possession of Firearm in Furtherance
 22 of Crime of Violence Resulting in Murder)

23 116. On November 21, 2010, on Falcon Drive in Salinas, California, in the Northern District
 24 of California, defendant

25 EDUARDO LEBRON, a/k/a "Warlord,"

26 willfully and knowingly used and carried a firearm, during and in relation to a crime of violence for
 27 which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering of
 28 Victim-18 charged in Count 56 of this Superseding Indictment, and possessed a firearm in furtherance of

1 such crime, and in the course of that crime caused the death of a person through the use of a firearm,
 2 which killing was murder as defined in Title 18, United States Code, Section 1111(a).

3 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

4 COUNT FIFTY-EIGHT: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
 5 Furtherance of Crime of Violence)

6 117. On November 21, 2010, on Falcon Drive in Salinas, California, in the Northern District
 7 of California, defendant

8 EDUARDO LEBRON, a/k/a "Warlord,"
 9 knowingly used and carried a firearm during and in relation to a crime of violence for which he may be
 10 prosecuted in a court of the United States, namely, the murder in aid of racketeering of Victim-18
 11 charged in Count 56 of this Superseding Indictment, and possessed, brandished, and discharged a
 12 firearm in furtherance of the offense charged in Count 56 of this Superseding Indictment.

13 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

14 COUNT FIFTY-NINE: (18 U.S.C. §§ 2113(a) and (d), and 2 – Armed Bank Robbery)

15 118. On November 23, 2010, in the Northern District of California, defendants

16 VICTOR SKATES, a/k/a "Demon," and
 17 ANTONIO CRUZ,

18 each aided and abetted by the other, knowingly took by force, violence, and intimidation from the
 19 person and presence of another, property and money belonging to, and in the care, custody, control,
 20 management, and possession of the Bank of the West in San Jose, California, the deposits of which were
 21 then insured by the Federal Deposit Insurance Corporation, and in committing such offense, did assault
 22 and put in jeopardy the life of another person by the use of a dangerous weapon, specifically a firearm.

23 All in violation of Title 18, United States Code, Sections 2113(a) and (d), and 2.

24 COUNT SIXTY: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)

25 119. On November 23, 2010, in the Northern District of California, defendants

26 VICTOR SKATES, a/k/a "Demon," and
 27 ANTONIO CRUZ,

28 //

1 each aided and abetted by the other, willfully and knowingly obstructed, delayed, and affected interstate
 2 commerce and the movement of articles and commodities in commerce by robbery, as that term is
 3 defined in Title 18, United States Code, Section 1951(a), of the Bank of the West in San Jose, California.

4 All in violation of Title 18, United States Code, Sections 2113(a) and (d).

5 COUNT SIXTY-ONE: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
 6 Furtherance of Crime of Violence)

7 120. On November 23, 2010, in the Northern District of California, defendants
 8 VICTOR SKATES, a/k/a "Demon," and
 9 ANTONIO CRUZ,

10 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a
 11 crime of violence for which they may be prosecuted in a court of the United States, namely, the armed
 12 bank robbery charged in Count 59 of this Superseding Indictment and robbery affecting interstate
 13 commerce charged in Count 60 of this Superseding Indictment, and possessed and brandished, a firearm
 14 in furtherance of the offenses charged in Count 59 and 60 of this Superseding Indictment.

15 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

16 COUNT SIXTY-TWO: (18 U.S.C. §§ 2113(a) and (d), and 2 – Armed Bank Robbery)

17 121. On December 16, 2010, in the Northern District of California, defendants
 18 VICTOR SKATES, a/k/a "Demon," and
 19 ANTONIO CRUZ,

20 each aided and abetted by the other, knowingly took by force, violence, and intimidation from the
 21 person and presence of another, property and money belonging to, and in the care, custody, control,
 22 management, and possession of the Wells Fargo bank in Watsonville, California, the deposits of which
 23 were then insured by the Federal Deposit Insurance Corporation, and in committing such offense, did
 24 assault and put in jeopardy the life of another person by the use of a dangerous weapon, specifically a
 25 firearm.

26 All in violation of Title 18, United States Code, Sections 2113(a) and (d), and 2.

27 COUNT SIXTY-THREE: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)

28 122. On December 16, 2010, in the Northern District of California, defendants

1 VICTOR SKATES, a/k/a "Demon," and

2 ANTONIO CRUZ,

3 each aided and abetted by the other, willfully and knowingly obstructed, delayed, and affected interstate
4 commerce and the movement of articles and commodities in commerce by robbery, as that term is
5 defined in Title 18, United States Code, Section 1951(a), of the Wells Fargo bank in Watsonville,
6 California.

7 All in violation of Title 18, United States Code, Sections 2113(a) and (d).

8 COUNT SIXTY-FOUR: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
9 Furtherance of Crime of Violence)

10 123. On December 16, 2010, in the Northern District of California, defendants

11 VICTOR SKATES, a/k/a "Demon," and

12 ANTONIO CRUZ,

13 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a
14 crime of violence for which they may be prosecuted in a court of the United States, namely, the armed
15 bank robbery charged in Count 62 of this Superseding Indictment and robbery affecting interstate
16 commerce charged in Count 63 of this Superseding Indictment, and possessed and brandished, a firearm
17 in furtherance of the offenses charged in Count 62 and 63 of this Superseding Indictment.

18 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

19 COUNT SIXTY-FIVE: (18 U.S.C. §§ 1959(a)(5) and 2 — Attempted Murder in Aid of
20 Racketeering of Victim-19)

21 124. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
22 incorporated by reference as though fully set forth herein.

23 125. On January 2, 2011, on St. Edwards Avenue in Salinas, California, in the Northern
24 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
25 the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

26 DANIEL CHAVEZ, a/k/a "Youngster," and

27 EDER TORRES, a/k/a "Flaco,"

28 each aided and abetted by the other, willfully and intentionally attempted to murder Victim-19, in

1 violation of California Penal Code Sections 187, 188, 189, 21a, and 664.

2 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

3 COUNT SIXTY-SIX: (18 U.S.C. §§ 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid
4 of Racketeering of Victim-19)

5 126. Paragraphs 1 through 26 and 35 of this Superseding Indictment are realleged and
6 incorporated by reference as though fully set forth herein.

7 127. On January 2, 2011, on St. Edwards Avenue in Salinas, California, in the Northern
8 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
9 the Salinas *Norteños* Enterprise, an enterprise engaged in racketeering activity, defendants

10 DANIEL CHAVEZ, a/k/a "Youngster," and

11 EDER TORRES, a/k/a "Flaco,"

12 each aided and abetted by the other, knowingly and intentionally assaulted Victim-19 with a dangerous
13 weapon, in violation of California Penal Code Section 245(a)(2).

14 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

15 COUNT SIXTY-SEVEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
16 Furtherance of Crime of Violence)

17 128. On January 2, 2011, on St. Edwards Avenue in Salinas, California, in the Northern
18 District of California and elsewhere, defendants

19 DANIEL CHAVEZ, a/k/a "Youngster," and

20 EDER TORRES, a/k/a "Flaco,"

21 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a
22 crime of violence for which they may be prosecuted in a court of the United States, namely, the
23 attempted murder in aid of racketeering of Victim-19 as charged in Count 65 of this Superseding
24 Indictment and the assault with a dangerous weapon in aid of racketeering of Victim-19 as charged in
25 Count 66 of this Superseding Indictment, and possessed, brandished, and discharged a firearm in
26 furtherance of the offenses charged in Counts 65 and 66 of this Superseding Indictment.

27 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

28 //

1 COUNT SIXTY-EIGHT: (18 U.S.C. §§ 2113(a) and (d), and 2 – Armed Bank Robbery)

¹²⁹ On January 7, 2011, in the Northern District of California, defendants

VICTOR SKATES, a/k/a "Demon," and

ANTONIO CRUZ,

5 each aided and abetted by the other, knowingly took by force, violence, and intimidation from the
6 person and presence of another, property and money belonging to, and in the care, custody, control,
7 management, and possession of the Rabobank in Watsonville, California, the deposits of which were
8 then insured by the Federal Deposit Insurance Corporation, and in committing such offense, did assault
9 and put in jeopardy the life of another person by the use of a dangerous weapon, specifically a firearm.

All in violation of Title 18, United States Code, Sections 2113(a) and (d), and 2.

10 COUNT SIXTY-NINE: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)
11

¹²⁰ On January 7, 2011, in the Northern District of California, defendants

WICTOR SKATES, a/k/a "Demon," and

ANTONIO CRUZ

each aided and abetted by the other, willfully and knowingly obstructed, delayed, and affected interstate commerce and the movement of articles and commodities in commerce by robbery, as that term is defined in Title 18, United States Code, Section 1951(a), of the Rabobank in Watsonville, California.

All in violation of Title 18, United States Code, Sections 2113(a) and (d).

COUNT SEVENTY: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in Furtherance of Crime of Violence)

20
2005-01-13-N-03 - District of California defendants

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ANTONIO CRUZ

23 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a
24 crime of violence for which they may be prosecuted in a court of the United States, namely, the armed
25 bank robbery charged in Count 68 of this Superseding Indictment and robbery affecting interstate
26 commerce charged in Count 69 of this Superseding Indictment, and possessed and brandished, a firearm
27 in furtherance of the offenses charged in Count 68 and 69 of this Superseding Indictment.
28

1 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

2 COUNT SEVENTY-ONE: (18 U.S.C. §§ 2113(a) and (d), and 2 – Armed Bank Robbery)

3 132. On April 22, 2011, in the Northern District of California, defendants

4 DANIEL CHAVEZ, a/k/a “Youngster,” and

5 EDER TORRES, a/k/a “Flaco,”

6 each aided and abetted by the other, knowingly took by force, violence, and intimidation from the
7 person and presence of another, property and money belonging to, and in the care, custody, control,
8 management, and possession of the Bay Federal Credit Union in Watsonville, California, the deposits of
9 which were then insured by the National Credit Union Association, and in committing such offense, did
10 assault and put in jeopardy the life of another person by the use of a dangerous weapon, specifically a
11 firearm.

12 All in violation of Title 18, United States Code, Sections 2113(a) and (d), and 2.

13 COUNT SEVENTY-TWO: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)

14 133. On April 22, 2011, in the Northern District of California, defendants

15 DANIEL CHAVEZ, a/k/a “Youngster,” and

16 EDER TORRES, a/k/a “Flaco,”

17 each aided and abetted by the other, willfully and knowingly obstructed, delayed, and affected interstate
18 commerce and the movement of articles and commodities in commerce by robbery, as that term is
19 defined in Title 18, United States Code, Section 1951(a), of the Bay Federal Credit Union in Watsonville,
20 California.

21 All in violation of Title 18, United States Code, Sections 2113(a) and (d).

22 COUNT SEVENTY-THREE: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Possession of Firearm in
23 Furtherance of Crime of Violence)

24 134. On April 22, 2011, in the Northern District of California, defendants

25 DANIEL CHAVEZ, a/k/a “Youngster,” and

26 EDER TORRES, a/k/a “Flaco,”

27 each aided and abetted by the other, knowingly used and carried a firearm during and in relation to a
28 crime of violence for which he may be prosecuted in a court of the United States, namely, the armed

1 bank robbery charged in Count 71 of this Superseding Indictment and robbery affecting interstate
 2 commerce charged in Count 72 of this Superseding Indictment, and possessed, brandished, and
 3 discharged a firearm in furtherance of the offenses charged in Count 71 and 72 of this Superseding
 4 Indictment.

5 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

6 FORFEITURE ALLEGATION:

7 135. The factual allegations contained in Counts 1-73 of this Indictment are hereby re-alleged
 8 and by this reference fully incorporated herein for the purpose of alleging forfeiture as set forth below.

9 136. Upon conviction of the offenses alleged in Count 1 of this Indictment, the defendants,

10 DANIEL CHAVEZ, a/k/a "Youngster,"

11 VICTOR SKATES, a/k/a "Demon,"

12 EDUARDO LEBRON, a/k/a "Warlord,"

13 EDER TORRES, a/k/a "Flaco,"

14 JULIAN RUIZ, a/k/a "JJ,"

15 ANTONIO CRUZ,

16 TERRELL GOLDEN, a/k/a "G,"

17 ANTHONY LEK, and

18 ROBERT LOERA, a/k/a "Buddha,"

19 shall forfeit to the United States of America, pursuant to 18 U.S.C. § 1963:

20 a. any interest acquired or maintained in violation of section 1962;

21 b. any interest in, security of, claim against, or property or contractual right of any
 22 kind affording a source of influence over, any enterprise which the defendants established, operated,
 23 controlled, conducted, or participated in the conduct of, in violation of section 1962; and

24 c. any property constituting, or derived from, any proceeds obtained, directly or
 25 indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

26 137. Upon conviction of one or more of the offenses alleged in Counts 4, 7, 9-10, 13-14, 16-
 27 17, 20, 22-23, 25, 27-28, 30-31, 33-34, 37, 44, 47-48, 50, 55, 57-58, 61, 64, 67, 70, and 73 of this
 28 Indictment, the defendants,

1 DANIEL CHAVEZ, a/k/a "Youngster,"

2 VICTOR SKATES, a/k/a "Demon,"

3 EDUARDO LEBRON, a/k/a "Warlord,"

4 EDER TORRES, a/k/a "Flaco,"

5 JULIAN RUIZ, a/k/a "JJ,"

6 ANTONIO CRUZ,

7 TERRELL GOLDEN, a/k/a "G,"

8 ANTHONY LEK, and

9 ROBERT LOERA, a/k/a "Buddha,"

10 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d)(1),
11 any firearm or ammunition involved in or used in any knowing violation of said offenses, or a
12 conspiracy to commit said offenses.

13 138. Upon conviction of any of the offenses alleged in Counts 5, 6, 24, 60, 63, 69, 71, and 72
14 of this Indictment, the defendants,

15 DANIEL CHAVEZ, a/k/a "Youngster,"

16 VICTOR SKATES, a/k/a "Demon,"

17 EDUARDO LEBRON, a/k/a "Warlord,"

18 EDER TORRES, a/k/a "Flaco,"

19 JULIAN RUIZ, a/k/a "JJ,"

20 ANTONIO CRUZ,

21 TERRELL GOLDEN, a/k/a "G,"

22 ANTHONY LEK, and

23 ROBERT LOERA, a/k/a "Buddha,"

24 shall forfeit to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C.
25 § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to said
26 offenses, or a conspiracy to commit said offenses.

27 139. If, as a result of any act or omission of the defendants, any of the property subject to
28 forfeiture

- 1 a. cannot be located upon the exercise of due diligence;
- 2 b. has been transferred or sold to or deposited with, a third person;
- 3 c. has been placed beyond the jurisdiction of the Court;
- 4 d. has been substantially diminished in value; or
- 5 e. has been commingled with other property which cannot be divided without
- 6 difficulty;

7 any and all interest defendants have in any other property (up to the value of the property subject to
 8 forfeiture), shall be forfeited to the United States pursuant to 21 U.S.C. § 853(p), as incorporated by 18
 9 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c).

10 All in violation of 18 U.S.C. §§ 924(d)(1), 981(a)(1)(C), 982(b)(1), 1963; 21 U.S.C. § 853; 28
 11 U.S.C. § 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

12 NOTICE OF SPECIAL SENTENCING FACTORS FOR COUNT 1

13 Number 1: Conspiracy to Commit Murder

140. Beginning in 2009, and continuing through 2011, in the Northern District of California
 14 and elsewhere, the defendants,

16 DANIEL CHAVEZ, a/k/a "Youngster,"

17 VICTOR SKATES, a/k/a "Demon,"

18 EDUARDO LEBRON, a/k/a "Warlord,"

19 EDER TORRES, a/k/a "Flaco,"

20 JULIAN RUIZ, a/k/a "JJ,"

21 ANTONIO CRUZ,

22 TERRELL GOLDEN, a/k/a "G,"

23 ANTHONY LEK, and

24 ROBERT LOERA, a/k/a "Buddha,"

25 together with others, knowingly and intentionally conspired to commit murder, in violation of California
 26 Penal Code Sections 187, 188, 189, and 182, specifically, the defendants agreed together and with each
 27 other to kill, with malice aforethought, actual and suspected members of rival gangs, *Norteño* dropouts,

1 individuals suspected of cooperating with law enforcement, individuals who defied the will of the
 2 Salinas Norteños Enterprise, and others when it furthered the status and goals of the Enterprise.

3 Number 2: DANIEL CHAVEZ and VICTOR SKATES - First Degree Murder of Victim-1

4 141. On January 15, 2009, in the Northern District of California, defendants
 5 DANIEL CHAVEZ, a/k/a "Youngster," and
 6 VICTOR SKATES, a/k/a "Demon,"

7 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
 8 Victim-1, in violation of California Penal Code Sections 187, 188, and 189.

9 Number 3: DANIEL CHAVEZ and VICTOR SKATES - First Degree Murder of Victim-2

10 142. On August 2, 2009, in the Northern District of California, defendants
 11 DANIEL CHAVEZ, a/k/a "Youngster," and
 12 VICTOR SKATES, a/k/a "Demon,"

13 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
 14 Victim-2, in violation of California Penal Code Sections 187, 188, and 189.

15 Number 4: DANIEL CHAVEZ and VICTOR SKATES - First Degree Murder of Victim-3

16 143. On August 2, 2009, in the Northern District of California, defendants
 17 DANIEL CHAVEZ, a/k/a "Youngster," and
 18 VICTOR SKATES, a/k/a "Demon,"

19 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
 20 Victim-3, in violation of California Penal Code Sections 187, 188, and 189.

21 Number 5: VICTOR SKATES and TERRELL GOLDEN- First Degree Murder of Victim-4

22 144. On September 10, 2009, in the Northern District of California, defendants
 23 VICTOR SKATES, a/k/a "Demon," and
 24 TERRELL GOLDEN, a/k/a "G,"

25 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
 26 Victim-4, in violation of California Penal Code Sections 187, 188, and 189.

27 Number 6: ANTONIO CRUZ - First Degree Murder of Victim-5

28 145. On December 2, 2009, in the Northern District of California, defendant

1 ANTONIO CRUZ,

2 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
3 Victim-5, in violation of California Penal Code Sections 187, 188, and 189.

4 Number 7: DANIEL CHAVEZ and VICTOR SKATES - First Degree Murder of Victim-6

5 146. On December 11, 2009, in the Northern District of California, defendants

6 DANIEL CHAVEZ, a/k/a "Youngster,"

7 VICTOR SKATES, a/k/a "Demon,"

8 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
9 Victim-6, in violation of California Penal Code Sections 187, 188, and 189.

10 Number 8: ANTONIO CRUZ - First Degree Murder of Victim-7

11 147. On August 17, 2010, in the Northern District of California, defendant

12 ANTONIO CRUZ,

13 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
14 Victim-7, in violation of California Penal Code Sections 187, 188, and 189.

15 Number 9: VICTOR SKATES and EDER TORRES- First Degree Murder of Victim-8

16 148. On September 28, 2010, in the Northern District of California, defendants

17 VICTOR SKATES, a/k/a "Demon," and

18 EDER TORRES, a/k/a "Flaco,"

19 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
20 Victim-8, in violation of California Penal Code Sections 187, 188, and 189.

21 Number 10: VICTOR SKATES - First Degree Murder of Victim-9

22 149. On October 1, 2010, in the Northern District of California, defendant

23 VICTOR SKATES, a/k/a "Demon,"

24 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
25 Victim-9, in violation of California Penal Code Sections 187, 188, and 189.

26 Number 11: EDUARDO LEBRON - Attempted First Degree Murder of Victim-10

27 150. On October 28, 2010, in the Northern District of California, defendant

28 EDUARDO LEBRON, a/k/a "Warlord,"

1 willfully and intentionally, and with deliberation and premeditation, did attempt to kill, with malice
 2 aforethought, Victim-10, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

3 Number 12: VICTOR SKATES – Attempted First Degree Murder of Victim-11

4 151. On November 5, 2010, in the Northern District of California, defendant
 5 VICTOR SKATES, a/k/a “Demon,”
 6 willfully and intentionally, and with deliberation and premeditation, did attempt to kill, with malice
 7 aforethought, Victim-11, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

8 Number 13: VICTOR SKATES – Attempted First Degree Murder of Victim-12

9 152. On November 5, 2010, in the Northern District of California, defendant
 10 VICTOR SKATES, a/k/a “Demon,”
 11 willfully and intentionally, and with deliberation and premeditation, did attempt to kill, with malice
 12 aforethought, Victim-12, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

13 Number 14: VICTOR SKATES – Attempted First Degree Murder of Victim-13

14 153. On November 5, 2010, in the Northern District of California, defendant
 15 VICTOR SKATES, a/k/a “Demon,”
 16 willfully and intentionally, and with deliberation and premeditation, did attempt to kill, with malice
 17 aforethought, Victim-13, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

18 Number 15: DANIEL CHAVEZ and VICTOR SKATES - First Degree Murder of Victim-14

19 154. On November 10, 2010, in the Northern District of California, defendants
 20 DANIEL CHAVEZ, a/k/a “Youngster,”
 21 VICTOR SKATES, a/k/a “Demon,”
 22 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
 23 Victim-14, in violation of California Penal Code Sections 187, 188, and 189.

24 Number 16: VICTOR SKATES and EDUARDO LEBRON - First Degree Murder of Victim-15

25 155. On November 19, 2010, in the Northern District of California, defendants
 26 VICTOR SKATES, a/k/a “Demon,” and
 27 EDUARDO LEBRON, a/k/a “Warlord,”

1 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
 2 Victim-15, in violation of California Penal Code Sections 187, 188, and 189.

3 Number 17: VICTOR SKATES and EDUARDO LEBRON– Attempted First Degree Murder of Victim-
 4 16

5 156. On November 19, 2010, in the Northern District of California, defendants
 6 VICTOR SKATES, a/k/a “Demon,” and
 7 EDUARDO LEBRON, a/k/a “Warlord,”
 8 willfully and intentionally, and with deliberation and premeditation, did attempt to kill, with malice
 9 aforethought, Victim-16, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

10 Number 18: VICTOR SKATES and EDUARDO LEBRON– Attempted First Degree Murder of Victim-
 11 17

12 157. On November 19, 2010, in the Northern District of California, defendants
 13 VICTOR SKATES, a/k/a “Demon,” and
 14 EDUARDO LEBRON, a/k/a “Warlord,”
 15 willfully and intentionally, and with deliberation and premeditation, did attempt to kill, with malice
 16 aforethought, Victim-17, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

17 Number 19: EDUARDO LEBRON - First Degree Murder of Victim-18

18 158. On November 21, 2010, in the Northern District of California, defendant
 19 EDUARDO LEBRON, a/k/a “Warlord,”
 20 willfully and intentionally, and with deliberation and premeditation, killed, with malice aforethought,
 21 Victim-18, in violation of California Penal Code Sections 187, 188, and 189.

22 Number 20: DANIEL CHAVEZ and EDER TORRES– Attempted First Degree Murder of Victim-19

23 159. On January 2, 2011, in the Northern District of California, defendants
 24 DANIEL CHAVEZ, a/k/a “Youngster,” and
 25 EDER TORRES, a/k/a “Flaco,”
 26 willfully and intentionally, and with deliberation and premeditation, did attempt to kill, with malice
 27 aforethought, Victim-19, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

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1 NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT DANIEL CHAVEZ

2 160. The allegations of Counts Eight, Nine, 11, 12, 13, 21, 22, 46, and 47 of this Superseding
 3 Indictment are realleged and incorporated by reference as though fully set forth herein.

4 161. As to Counts Eight, Nine, 11, 12, 13, 21, 22, 46, and 47 of this Superseding Indictment,
 5 defendant DANIEL CHAVEZ, a/k/a "Youngster,":

6 (1) was more than 18 years of age at the time of the offenses (18 U.S.C.
 7 § 3591(a));

8 (2) intentionally killed the Victims named in the respective capital
 9 counts (18 U.S.C. § 3591(a)(2)(A));

10 (3) intentionally inflicted serious bodily injury that resulted in the death of the Victim
 11 named in the respective capital counts (18 U.S.C. § 3591(a)(2)(B));

12 (4) intentionally participated in one or more acts, contemplating that the life of a
 13 person would be taken or intending that lethal force would be used in connection with a person, other
 14 than a participant in the offense, and the Victims named in the respective capital counts died as a direct
 15 result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

16 (5) intentionally and specifically engaged in one or more acts of violence,
 17 knowing that the act or acts created a grave risk of death to a person, other than a participant in the
 18 offense, such that participation in such act or acts constituted a reckless disregard for human life, and the
 19 Victims named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. §
 20 3591(a)(2)(D)).

21 162. As to Counts Eight, Nine, 11, 12, and 13 of this Superseding Indictment, defendant
 22 DANIEL CHAVEZ, a/k/a "Youngster," in the commission of the offense, knowingly created a grave
 23 risk of death to one or more persons in addition to the Victim of the offense (18 U.S.C. § 3592(c)(5)).

24 163. As to Counts Eight, Nine, 11, 12, 13, 21, 22, 46, and 47 of this Superseding Indictment,
 25 defendant DANIEL CHAVEZ, a/k/a "Youngster," committed the offense after substantial planning and
 26 premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

1 164. As to Counts 46 and 47 of this Superseding Indictment, defendant DANIEL CHAVEZ,
2 a/k/a "Youngster," committed the offense against a Victim who was particularly vulnerable due to youth
3 or infirmity (18 U.S.C. § 3592(c)(11)).

4 165. As to Counts Eight, Nine, 11, 12, and 13, of this Superseding Indictment, defendant
5 DANIEL CHAVEZ, a/k/a "Youngster," intentionally killed or attempted to kill more than one person in
6 a single criminal episode. (18 U.S.C. § 3592(c)(16)).

NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT VICTOR SKATES

8 166. The allegations of Counts Eight, Nine, 11, 12, 13, 15, 16, 21, 22, 29, 30, 32, 33, 46, 47,
9 49, and 50 of this Superseding Indictment are realleged and incorporated by reference as though fully set
10 forth herein.

11 167. As to Counts Eight, Nine, 11, 12, 13, 15, 16, 21, 22, 29, 30, 32, 33, 46, 47, 49, and 50 of
12 this Superseding Indictment, defendant VICTOR SKATES, a/k/a "Demon,":

168. As to Counts Eight, Nine, 11, 12, 13, 15, 16, 21, 22, 29, 30, 32, 33, 46, 47, 49, and 50 of
superseding Indictment, defendant VICTOR SKATES, a/k/a "Demon," has previously been
convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year,
involving the use or attempted use or threatened use of a firearm against another person (18 U.S.C. §
(c)(2)).

169. As to Counts Eight, Nine, 11, 12, 13, 15, 16, 29, 30, 32, 33, 49, and 50 of this Superseding Indictment, defendant VICTOR SKATES, a/k/a "Demon," in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the Victim of the offense (18 U.S.C. § 3592(c)(5)).

170. As to Counts Eight, Nine, 11, 12, 13, 15, 16, 21, 22, 29, 30, 32, 33, 46, 47, 49, and 50 of this Superseding Indictment, defendant VICTOR SKATES, a/k/a "Demon," committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

171. As to Counts 15, 16, 29, 30, 32, 33, 46, and 47 of this Superseding Indictment, defendant VICTOR SKATES, a/k/a "Demon," committed the offense against a Victim who was particularly vulnerable due to youth or infirmity (18 U.S.C. § 3592(c)(11)).

172. As to Counts Eight, Nine, 11, 12, 13, 15, 16, 29, 30, 49, and 50 of this Superseding Indictment, defendant VICTOR SKATES, a/k/a "Demon," intentionally killed or attempted to kill more than one person in a single criminal episode. (18 U.S.C. § 3592(c)(16)).

NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT EDUARDO LEBRON

173. The allegations of Counts 49, 50, 56, and 57 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

174. As to Counts 49, 50, 56, and 57 of this Superseding Indictment, defendant EDUARDO LEBRON, a/k/a "Warlord,":

(1) was more than 18 years of age at the time of the offenses (18 U.S.C. § 3591(a));

(2) intentionally killed the Victims named in the respective capital counts (18 U.S.C. § 3591(a)(2)(A));

(3) intentionally inflicted serious bodily injury that resulted in the death of the Victim named in the respective capital counts (18 U.S.C. § 3591(a)(2)(B));

(4) intentionally participated in one or more acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and the Victims named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

(5) intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than a participant in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and the Victims named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D)).

175. As to Counts 49, 50, 56, and 57 of this Superseding Indictment, defendant EDUARDO LEBRON, a/k/a "Warlord," has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted use or threatened use of a firearm against another person (18 U.S.C. § 3592(c)(2)).

176. As to Counts 49 and 50 of this Superseding Indictment, defendant EDUARDO LEBRON, a/k/a "Warlord," in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the Victim of the offense (18 U.S.C. § 3592(c)(5)).

177. As to Counts 49, 50, 56, and 57 of this Superseding Indictment, defendant EDUARDO LEBRON, a/k/a "Warlord," committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

178. As to Counts 49 and 50 of this Superseding Indictment, defendant EDUARDO LEBRON, a/k/a "Warlord," intentionally killed or attempted to kill more than one person in a single criminal episode. (18 U.S.C. § 3592(c)(16)).

NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT EDER TORRES

179. The allegations of Counts 29 and 30 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

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1 180. As to Counts 29 and 30 of this Superseding Indictment, defendant EDER TORRES, a/k/a
 2 "Flaco,":

3 (1) was more than 18 years of age at the time of the offenses (18 U.S.C.
 4 § 3591(a));

5 (2) intentionally killed the Victims named in the respective capital
 6 counts (18 U.S.C. § 3591(a)(2)(A));

7 (3) intentionally inflicted serious bodily injury that resulted in the death of the Victim
 8 named in the respective capital counts (18 U.S.C. § 3591(a)(2)(B));

9 (4) intentionally participated in one or more acts, contemplating that the life of a
 10 person would be taken or intending that lethal force would be used in connection with a person, other
 11 than a participant in the offense, and the Victims named in the respective capital counts died as a direct
 12 result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

13 (5) intentionally and specifically engaged in one or more acts of violence, knowing
 14 that the act or acts created a grave risk of death to a person, other than a participant in the offense, such
 15 that participation in such act or acts constituted a reckless disregard for human life, and the Victims
 16 named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. §
 17 3591(a)(2)(D)).

18 181. As to Counts 29 and 30 of this Superseding Indictment, defendant EDER TORRES, a/k/a
 19 "Flaco," has previously been convicted of a Federal or State offense punishable by a term of
 20 imprisonment of more than 1 year, involving the use or attempted use or threatened use of a firearm
 21 against another person (18 U.S.C. § 3592(c)(2)).

22 182. As to Counts 29 and 30 of this Superseding Indictment, defendant EDER TORRES, a/k/a
 23 "Flaco," in the commission of the offense, knowingly created a grave risk of death to one or more
 24 persons in addition to the Victim of the offense (18 U.S.C. § 3592(c)(5)).

25 183. As to Counts 29 and 30 of this Superseding Indictment, defendant EDER TORRES, a/k/a
 26 "Flaco," committed the offense after substantial planning and premeditation to cause the death of a
 27 person (18 U.S.C. § 3592(c)(9)).

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184. As to Counts 29 and 30 of this Superseding Indictment, defendant EDER TORRES, a/k/a
§ 3592(c)(11)).

185. As to Counts 29 and 30 of this Superseding Indictment, defendant EDER TORRES, a/k/a "Toro," intentionally killed or attempted to kill more than one person in a single criminal episode. (18 U.S.C. § 3592(c)(16)).

NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT ANTONIO CRUZ

186. The allegations of Counts 18, 19, 26, and 27 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

187. As to Counts 18, 19, 26, and 27 of this Superseding Indictment, defendant ANTONIO CRUZ:

- (1) was more than 18 years of age at the time of the offenses (18 U.S.C. § 3591(a));

(2) intentionally killed the Victims named in the respective capital counts (18 U.S.C. § 3591(a)(2)(A));

(3) intentionally inflicted serious bodily injury that resulted in the death of the Victim named in the respective capital counts (18 U.S.C. § 3591(a)(2)(B));

(4) intentionally participated in one or more acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and the Victims named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

(5) intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than a participant in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and the Victims named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D)).

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1 188. As to Counts 18, 19, 26, and 27 of this Superseding Indictment, defendant ANTONIO
 2 CRUZ, committed the offense after substantial planning and premeditation to cause the death of a
 3 person (18 U.S.C. § 3592(c)(9)).

4 189. As to Counts 26 and 27 of this Superseding Indictment, defendant ANTONIO CRUZ
 5 committed the offense against a Victim who was particularly vulnerable due to youth (18 U.S.C. §
 6 3592(c)(11)).

7 NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT TERRELL GOLDEN

8 190. The allegations of Counts 15 and 16 of this Superseding Indictment are realleged and
 9 incorporated by reference as though fully set forth herein.

10 191. As to Counts 15 and 16 of this Superseding Indictment, defendant TERRELL GOLDEN,
 11 a/k/a "G,":

12 (1) was more than 18 years of age at the time of the offenses (18 U.S.C.
 13 § 3591(a));

14 (2) intentionally killed the Victims named in the respective capital
 15 counts (18 U.S.C. § 3591(a)(2)(A));

16 (3) intentionally inflicted serious bodily injury that resulted in the death of the Victim
 17 named in the respective capital counts (18 U.S.C. § 3591(a)(2)(B));

18 (4) intentionally participated in one or more acts, contemplating that the life of a
 19 person would be taken or intending that lethal force would be used in connection with a person, other
 20 than a participant in the offense, and the Victims named in the respective capital counts died as a direct
 21 result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

22 (5) intentionally and specifically engaged in one or more acts of violence, knowing
 23 that the act or acts created a grave risk of death to a person, other than a participant in the offense, such
 24 that participation in such act or acts constituted a reckless disregard for human life, and the Victims
 25 named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. §
 26 3591(a)(2)(D)).

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1 192. As to Counts 15 and 16 of this Superseding Indictment, defendant TERRELL GOLDEN,
2 a/k/a "G," in the commission of the offense, knowingly created a grave risk of death to one or more
3 persons in addition to the Victim of the offense (18 U.S.C. § 3592(c)(5)).

3 persons in addition to . . .
4 193. As to Counts 15 and 16 of this Superseding Indictment, defendant TERRELL GOLDEN,
5 a/k/a "G," committed the offense after substantial planning and premeditation to cause the death of a
6 person (18 U.S.C. § 3592(c)(9)).

6 person (18 U.S.C. § 3592(c)(1)).
7 194. As to Counts 15 and 16 of this Superseding Indictment, defendant TERRELL GOLDEN,
8 a/k/a “G,” committed the offense against a Victim who was particularly vulnerable due to youth (18
9 U.S.C. § 3592(c)(11)).

10 195. As to Counts 15 and 16 of this Superseding Indictment, defendant TERRELL GOLDEN,
11 a/k/a "G," intentionally killed or attempted to kill more than one person in a single criminal episode. (18
12 U.S.C. § 3592(c)(16)).

14 DATED: October 28, 2015

A TRUE BILL

~~Deputy~~
FOREPERSON

BRIAN J. STRETCH
Acting United States Attorney

DAVID R. CALLAWAY
Chief, Criminal Division

(Approved as to form: Office of Mayor)

STEPHEN MEYER
Assistant United States Attorney